

2005 Annual Report of the Director

Administrative Office of the United States Courts
Leonidas Ralph Mecham, Director



2005 ANNUAL REPORT OF THE DIRECTOR

Activities of the Administrative
Office of the U.S. Courts

Leonidas Ralph Mecham, Director

This report was prepared by the
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Washington, DC 20544
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www.uscourts.gov



2005 ANNUAL REPORT

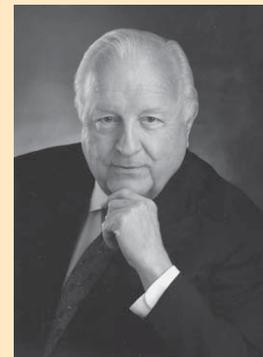
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“This past year was unusually active on the legislative front. In addition to addressing funding and security, Congress conducted hearings on bills dealing with judgeships, the split of the Ninth Circuit, class action law suits, habeas corpus, rent relief, bankruptcy reform, asbestos litigation, sentencing guidelines, court improvements, and more.”

A Message from Leonidas Ralph Mecham DIRECTOR



Chief Justice William H. Rehnquist died September 3, 2005. The head of the Third Branch of government, he commanded respect, was dignified, knowledgeable and above all, fair. The Chief also was a friend and mentor. Much already has been written about Chief Justice Rehnquist’s legacy, and a tribute appears on page 5 of this report.

I know the staff of the Administrative Office join their fellow judicial branch employees in recognizing and expressing their gratitude for Chief Justice Rehnquist’s steady hand, principled leadership, impeccable integrity, and sense of honor in leading the nation’s federal courts for 19 years.

As the nation mourned the passing of the Chief Justice, it also struggled with the aftermath of several hurricanes, especially Hurricane Katrina, which struck the southeast, devastating courthouses in the area and greatly disrupting life for members of the federal court family and their communities. The Administrative Office launched an immediate and intense effort to help affected courts resume their operations, and to assure that judges, court staff, and their families were safe.

The AO Judiciary Emergency Response Team met daily to assess the situation and advise courts on personnel, space and facilities, information technology, finance and budget, and other timely issues. We contacted area banks to ensure paychecks were received and processed, negotiated with benefits programs to expedite payments, and

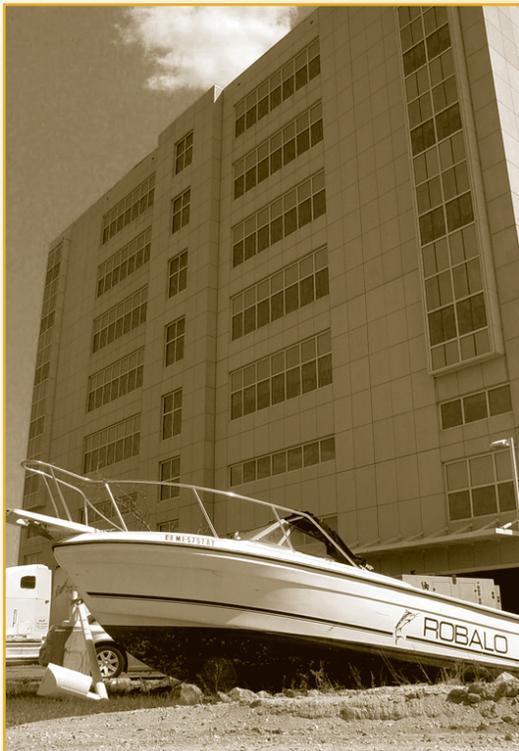
made available phone and electronic communications services for courts unable to access their long-distance carriers. At the direction of the Judicial Conference, legislation was pursued and quickly enacted to allow courts to convene outside their regional jurisdiction during times of emergency.

Although many courts have resumed operation, the devastation of Katrina and the other hurricanes that struck this year will long impact the lives of many. I was pleased to see that nearly 100 judges and court staff participated in the assistance exchange we developed, which allowed the impacted courts to take advantage of various forms of help, ranging from the lending of staff to offers of temporary shelter. I also sent a six-person Special Assessment and Assistance Team to Mississippi and Louisiana to help with the most pressing issues. I also authorized payment of special allowances to dependents of judges and judicial staff forced to evacuate because of Hurricane Katrina. I later extended the allowance period to facilitate restoration of court services during what will be a long period of recovery for affected judges, court staff, and their immediate families.

I am pleased that Congress provided the sorely needed emergency supplemental funds to help offset the costs of relocating more than 400 judges and court staff who were affected by the hurricanes. This past year the Administrative Office, judges, and court staff throughout the country



Chief Justice Rehnquist was a friend and mentor to the federal Judiciary, and attended several major events involving the Administrative Office.



Federal courts were among those affected by devastating hurricanes during FY 2005. The wind and storm surge from Hurricane Katrina tore through homes, scattered debris, and tossed this boat nearly onto the steps of the Gulfport, Mississippi, courthouse.

continued to pursue adequate funding for all court operations. A full-scale congressional outreach effort has resulted in dozens of judges reaching out to educate their local members of Congress about the impact of budget cuts on essential court services. The result was a 5.4 percent increase, the largest growth in recent years. At the same time, the Judicial Conference's cost-containment efforts helped limit growth in Judiciary spending. The excessive and unfair rent the Judiciary pays the General Services Administration (GSA)—an amount far greater than any other government entity—needs to be addressed, and the Administrative Office will continue to explore all options in this area.

Statistics show that a growing number of judges are leaving the bench early because of dissatisfaction with their compensation. This trend harms the nation and its system of justice. We will carry on Chief Justice Rehnquist's long-standing commitment to obtaining a significant pay raise for judges, while also securing annual cost-of-living adjustments and seeking pay parity with career federal employees. The Administrative Office also will work closely with the Judicial Conference to address Judicial Branch executive level salaries, which lag seriously behind those of their counterparts in the Executive Branch. I remain committed to improving the existing benefits for judges and court employees, while also seeking legislation to expand the array of available benefits.

The murders of Judge Joan Lefkow's husband and mother earlier this year underscored the importance of reviewing off-site security for judges and their families. Funding has been secured for the U.S. Marshals Service (USMS) to install home intrusion detection devices for judges, and they should be in place in 2006. The Administrative Office will continue to pursue the most beneficial relationship with the Marshals Service. I am pleased that the USMS has agreed to assume the monitoring and maintenance charges for these systems in fiscal year 2006.

This past year was unusually active on the legislative front. In addition to addressing funding and security, Congress conducted hearings on bills dealing with judgeships, the split of the Ninth Circuit, class action law suits, habeas corpus, rent relief, bankruptcy reform, asbestos litiga-

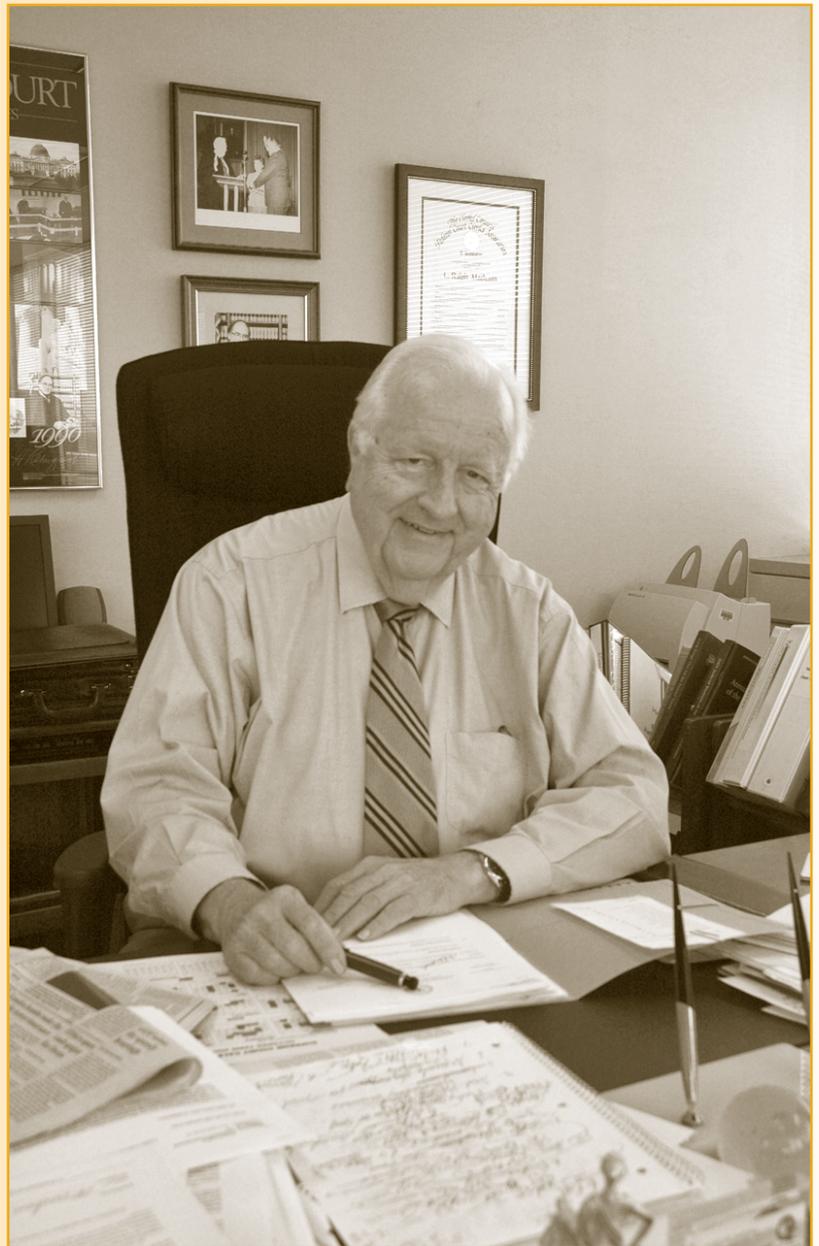
tion, sentencing guidelines, court improvements, and more. When appropriate, Administrative Office staff worked with Conference committee chairs to draft and submit testimony. Congressional relations is a key Administrative Office activity and one in which I am personally involved.

The significant project achievements in 2005 are too numerous to mention. Nearly all district and bankruptcy courts are using the Case Management/Electronic Case Filing System (CM/ECF) and the appellate courts have begun implementation and will go live in 2006. Our electronic case system is widely recognized as the best in the world and the Administrative Office and the courts should take great pride in this accomplishment. Other automation initiatives are helping busy probation and pretrial services offices and federal defenders do their jobs more efficiently.

In this introductory message I could continue listing dozens of accomplishments, each of which, I am pleased to say, involved Administrative Office support. However, that is the purpose of this report. I hope that judges and court staff will read it, and share their comments.

On a more personal note, soon after he took office, I informed Chief Justice Roberts of my intention to retire upon his selection of a successor. I have served three Chief Justices, thousands of judges and court staff, and directed the Administrative Office during two decades of unprecedented change. I am extremely proud of what we have accomplished together and am deeply appreciative of the opportunity I was afforded to head what I have long-believed is the finest agency in the federal government.

Under the direction of the Judicial Conference, the Administrative Office works for the courts. I suspect that familiar challenges—obtaining the necessary resources, containing costs, protecting judges, securing appropriate pay, and developing tools to help courts work more efficiently—will continue to confront the Third Branch in 2006. I am equally confident that the Judiciary will encounter matters that could not be anticipated at this time. The successes of 2005 will serve as the building blocks for tackling the challenges of 2006. I know that the Administrative Office I will leave behind is well prepared to meet these challenges. ■

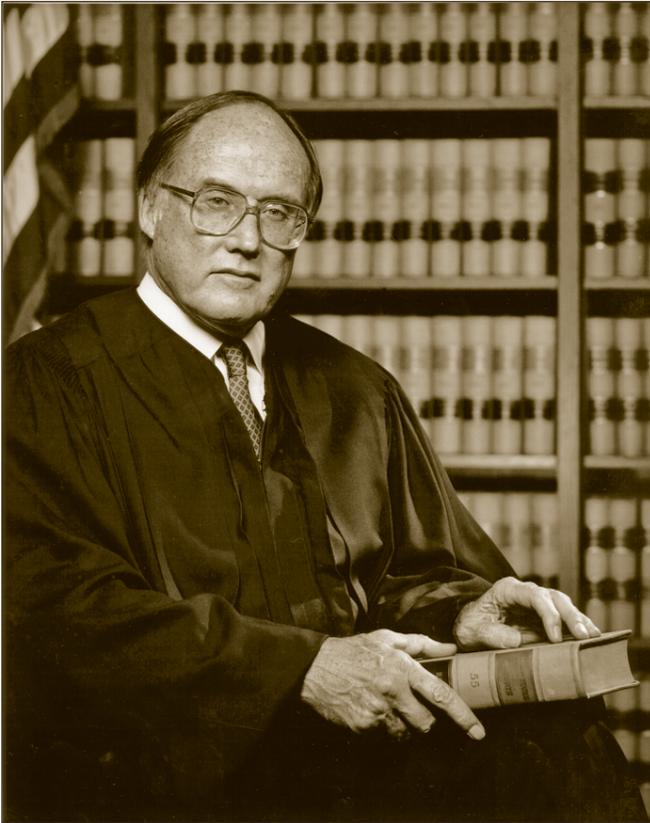


"The successes of 2005 will serve as the building blocks for tackling the challenges of 2006. I know that the Administrative Office I will leave behind is well prepared to meet these challenges."

AO Director Mechem

A TRIBUTE: WILLIAM H. REHNQUIST, 1924-2005

Chief Justice of the United States 1986–2005 • Associate Justice, U.S. Supreme Court 1972–1986



He was, in the words of a U.S. Senate resolution, a man of enormous intellect and great common sense. He utilized those assets during his 34 years on the nation's highest court and 19 years as leader of the Federal Judiciary to advance his unwavering commitment to judicial restraint, judicial independence, and the rule of law.

Chief Justice William Hubbs Rehnquist died on September 3, 2005, leaving a judicial legacy rarely matched in American history. After a distinguished legal career in private practice and Department of Justice service, he was appointed to the Supreme Court by President Richard M. Nixon, taking his seat as the nation's 100th justice on January 1, 1972. After his nomination by President Ronald Reagan, he became the 16th Chief Justice of the United States on September 26, 1986.

He served for 19 years as "first among equals" on the Supreme Court, and as presiding officer of the policy-making Judicial Conference of the United States. In a memorial resolution, the Conference's 26 members praised his leadership: "He ran efficient, effective meetings—showing respect for the rules of order and expecting succinctness in presentation, while demonstrating the wit that was his hallmark."

The Chief Justice's concern for the welfare of the federal judicial system and for those who serve it was well-known. He also was a great friend of the Administrative Office, and attended several events in the Thurgood Marshall Federal Judiciary Building, including the ground-breaking for the building and the celebration marking the 60th anniversary of the AO.

For many years, Chief Justice Rehnquist used his *Year-End Report on the Federal Judiciary* to discuss issues he believed were vital concerns to the federal courts, such as inter-branch relationships, judicial compensation, and criticism of judges.

"Judges have no monopoly of wisdom on matters affecting the Judiciary . . . Legislators and executive officials, no less than judges, are committed to the goals of an effective Judiciary," he wrote. "Legislators, executive officials and judges bring different perspectives to this question. The central challenge is to blend these sometimes conflicting perspectives into a responsible policy that will best serve the national interest. We have often met this challenge in the past and can do so again. We will fail in this endeavor, however, unless we work cooperatively, all the while retaining respect for the good faith of all participants and the legitimacy of their different perspectives."



IN HONORING THE CHIEF JUSTICE, THE JUDICIAL CONFERENCE SAID:

“... The Chief Justice excelled in administering the federal courts. He displayed his leadership in the Judicial Conference almost immediately by appointing a committee to study the organization and operations of the Conference, the first such effort in 17 years. . . .”

Early in his tenure, he described inadequacy of judicial salaries as “the single greatest problem facing the Judicial Branch.” In 2002, he discussed judicial salaries “at the risk of beating a dead horse,” and said, “Inadequate judicial compensation seriously compromises the judicial independence fostered by life tenure.”

In his final *Year-End Report*, he noted that criticisms of judges, although as old as the republic, “have in the eyes of some taken a new turn in recent years.” He said the Constitution “has struck a balance between judicial independence and accountability, giving individual judges secure tenure but making the Federal Judiciary subject ultimately to the popular will because judges are appointed and confirmed by elected officials. It is not a perfect system—vacancies do not occur on regular schedules, and judges do not always decide cases the way their appointers may have anticipated. But for over 200 years, it has served our democracy well and ensured a commitment to the rule of law.”

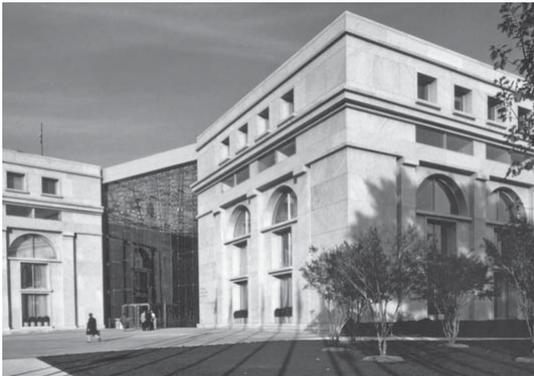
Chief Justice Rehnquist, too, served our democracy well and helped ensure a commitment to the rule of law. ■

The Chief Justice demonstrated leadership and many talents:

“... He ran efficient, effective meetings—showing respect for the rules of order and expecting succinctness in presentation, while demonstrating the wit that was his hallmark. . . . Chief Justice Rehnquist loved history as well as the law, and he was the author of four books. Above all, he was a man of integrity and courtesy, deep humility, and courage.”

— *Judicial Conference Memorial Resolution*

THE
YEAR
IN REVIEW



The Administrative Office (AO) made it a priority in fiscal year 2005 to implement the Judicial Conference long-term cost-containment strategy that focused on space and facilities costs, workforce efficiencies, a compensation study, effective use of technology, program changes, and fee adjustments. Those efforts are described throughout this report. An especially busy legislative year occupied significant staff time in communicating the Judiciary's priorities to Congress, and in supporting the Judiciary's mission and commitment to advancing the world's most effective justice system.

AO and court staff resources were challenged by legislation that placed new demands on the courts. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 made unprecedented demands on Judiciary staff nationwide. Hurricanes severely impacted court operations in the southern and Gulf states and required emergency attention. Additional challenges were presented by long-established major project goals, such as those related to the case management/electronic case files project (CM/ECF), which will reach full implementation in 2006.

At year's end, the Judiciary was deeply saddened by the passing of Chief Justice Rehnquist, whose commitment, leadership, and guidance will be sorely missed. A tribute to him appears on page 5 of this report.

FUNDING THE FEDERAL JUDICIARY



Each year, the Administrative Office works to secure adequate funding for the Judiciary so the federal courts can continue to fulfill their mission of providing the American public a competent, fair, and impartial system of justice. In 2005, the courts' unflagging commitment to serving the public faced mounting funding challenges.

Congress continued to grapple with a growing gap between federal government needs and available resources. During FY 2005, courts nationwide faced increased workloads as a result of the Supreme Court decisions in the *U.S. v. Booker* and *U.S. v. Fanfan*, and passage of the Class Action Fairness Act and the Bankruptcy Abuse Prevention and Consumer Protection Act. This increased workload came on the heels of a difficult FY 2004, when insufficient funding forced the loss of 1,350 jobs throughout the courts.

During FY 2005, the AO devoted countless hours to securing funds to improve judicial security, with positive results. As the year closed, Hurricanes Katrina and Rita brought massive destruction to the Gulf Coast, forced temporary clos-

“Hundreds of court employees lost homes and personal possessions in the storms, yet returned to their jobs and continued to serve the public.”

ings of courts in Louisiana and Mississippi, and resulted in relocation of court operations for many weeks. Hundreds of court employees lost homes and personal possessions in the storms, yet demonstrated their undaunted spirit as they returned to their jobs and continued to serve the public. Costs escalated as the Judiciary funded court relocations, equipment replacement, and

travel expenses for court employees as they returned to work and re-established their lives.

Fiscal Year 2005 Budget Supplemental Requests

***Booker/Fanfan* and Judicial Security.** Substantial new costs were estimated for additional workload stemming from the Supreme Court's decisions in *U.S. v. Booker* and *U.S. v. Fanfan* (\$91.3 million) and the newly enacted Class Action Fairness Act of 2005 (\$10.5 million). On behalf of the federal Judiciary, AO Director Mecham in February transmitted to the President and the Office of Management and Budget a \$101.8 million emergency supplemental request to cover these expenses. In addition, the Judicial Conference sent a request to the President and Congress in April 2005 requesting that the U.S. Marshals Service (USMS) receive \$12 million in supplemental 2005 funds for the purchase, installation, and maintenance of home security systems for judges, following the March 2005 murders of Judge Joan Lefkow's husband and mother.

During conference deliberations, Congress, at the AO's request, provided the USMS with \$11.9 million to address offsite judicial security enhancements, such as home intrusion detection systems, and directed the USMS to work with the Administrative Office to develop a spending plan for the funds—a significant accomplishment for the Judiciary. The plan is complete and a contract is now in place for the services. The President signed P.L. No. 109-13 on May 11, which did not address workload increases resulting from the Supreme Court decisions or recently enacted legislation. As the fiscal year ended, it appeared antici-



Judge Julia S. Gibbons, chair of the Judicial Conference Budget Committee, testified in April on behalf of the Judiciary before the House Appropriations Subcommittee on Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia and Independent Agencies.



Federal buildings and U.S. courthouses damaged by Hurricanes Katrina and Rita will be cleaned up and repaired with supplemental funding provided to GSA in FY 2006.

pated workloads in the district courts and courts of appeal were indeed increasing as a result of the decisions. Sentence-related cases in the federal courts were up by 13,000 over the previous year.

Several technical provisions included in the law were important to the operation of the courts, in particular, corrections to language in the new bankruptcy law specifying how bankruptcy fee revenues would be distributed. The Judiciary now will receive \$27 million in new fee revenue instead of losing \$48 million over the next five years, a net improvement of \$75 million.

Hurricane Katrina. Projected expenses to support the courts following Hurricanes Katrina and Rita led the Judiciary to transmit a supplemental funding request to the President in September 2005. Initial estimates found that travel and per diem for relocated staff, lease of temporary space, furniture and equipment replacement, and other incidental expenses would cost the Judiciary about \$65 million.

These estimates were refined prior to Congressional action on the supplemental. Due to the outstanding efforts of the Gulf Coast courts to minimize expenses, the AO was able to reduce its request to \$18 million for direct hurricane recovery costs. In the revised estimate, the AO also requested an additional \$10.6 million to address the costs of future preparedness activities.

The conference report accompanying the FY 2006 Defense Appropriations Act included \$18 million in supplemental funding for the Judiciary's hurricane relief efforts. Report language was included directing that the Judiciary make available \$10.6 million for future preparedness activities in the FY 2006 Financial Plan.

The Defense Appropriations Act included \$38 million in supplemental funding for the General Services Administration for emergency building operations in support of cleaning, assessing damage, and repairing federal buildings and United States courthouses damaged in the wake of Hurricanes Katrina and Rita. The President signed P.L. No. 109-148 at year's end.

FY 2006 Budget

The fiscal year 2006 appropriations process began in February, 2005, when the President transmitted his budget to Congress. Both the House and Senate reorganized the appropriations committee structure, moving the Judiciary to new subcommittees. Judge Julia Smith Gibbons, chair of the Budget Committee of the Judicial Conference and Director Mecham testified before the House Appropriations Subcommittee on behalf of the Judiciary. No hearings were held in the Senate, despite several visits with key members.

In June, the President transmitted to Congress on behalf of the Judiciary an FY 2006 budget amendment totaling \$18.5 million. This request was to fund the 28 new bankruptcy judgeships authorized by the new bankruptcy bill, as well as costs to bankruptcy courts to implement the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

By mid-year, the House Appropriations Committee approved a 6.3 percent increase for the Judiciary over the prior year, with a 5.4 percent increase for the Salaries and Expenses account that funds court operations. While the funding level provided was fair given the major funding issues facing the subcommittee, the recommended funding did not address significant increases in uncontrollable expenses, including rent, and only provided for current staffing levels. It did not fully fund court operating expenses or pay for congressionally mandated workload increases or needed new initiatives.

The Senate Appropriations Committee approved \$5.7 billion for the Judiciary in July—nearly \$11 million more than the House provided, with an overall increase for the Judiciary of 6.5 percent and an increase of 6.1 percent in the Salaries and Expense account over fiscal year 2005.

Fiscal year 2006 began with the first continuing resolution (CR). The Executive Committee of the Judicial Conference in August had approved an interim financial plan for the period covered by the CRs, based on best assumptions about the appropriations that the AO could provide at the time. Temporary allotments were issued on October 1, 2005, with instructions to all courts and federal defender organizations to restrict hiring and

refrain from purchasing non-essential goods and services until a final financial plan was in place.

The Judiciary fared very well in its funding bill, receiving an overall increase of 6.1 percent above the FY 2005 appropriations level. The agreement included the authority necessary to provide a 1.9 percent cost-of-living increase (COLA) for judges on January 1, 2006, and a 5.4 percent increase for the salaries and expenses appropriation that funds court operations.

Language also was included that extends to the judicial branch fiscal and procurement law authorities currently available to the executive branch for multi-year contracting.

Subsequent to the enactment of the FY 2006 appropriation for the Judiciary, a one percent government-wide across-the-board reduction (recission) to discretionary funding in FY 2006 was enacted as part of the Defense Appropriations Act (P.L. No. 109-148). As such, the Judiciary's final salaries and expenses appropriation represents a 4.9 percent increase over FY 2005. When all revenue sources are considered, the courts will receive the highest increase in funding since 2002 and will be able to hire up to 1,500 personnel.

In contrast, overall federal appropriations declined by almost two percent from FY 2005 to FY 2006.

Fiscal Year 2007 Budget

The Judicial Conference approved a budget request for FY 2007 of nearly \$6 billion for the Courts of Appeals, District Courts, and Other Judicial Services—including the Salaries and Expenses, Defender Services, Court Security, and Fees of Jurors accounts. This budget request represents the culmination of significant and difficult work by the Budget Committee and its Economy Subcommittee, the program committees of the Conference, and AO staff. The request protects the core mission of the courts and includes funding for additional court support staff to handle critical workload increases. ■

CONGRESSIONAL ACTIVITIES



Administrative Office personnel support the Judicial Conference and its committees through effective and constant communications with Congress. During the especially busy legislative session in 2005, agency staff conveyed and explained the policies adopted by the Judicial Conference to Congress, assisted in the drafting of statements for judges testifying on behalf of the Conference, and identified and monitored legislation that potentially affected the organization and operation of the federal courts. Of particular importance were bills concerning judgeships, caseload, jurisdiction, appropriations, and courthouse facilities. AO staff also responded to congressional inquiries regarding legislative proposals and constituent concerns.

During the first session of the 109th 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 2005 in support of legislative proposals of the Conference and in response to issues that could affect the Judiciary. In addition, several bills were proposed that could have significantly affected the Judiciary's operations, but were not passed during the first session. Judges, Director Mecham, and Administrative Office staff worked to raise awareness throughout Congress of the Conference's positions on the relevant issues as bills were introduced and considered.

Federal Courts Improvement

During the first session of the 109th Congress, the Director, on behalf of the Judicial Conference, transmitted to Congress several propos-

als that reflected Judicial Conference positions. The proposed Federal Courts Improvement Act of 2005 contains 31 provisions that address the administrative, financial, personnel, and benefits needs of the Judiciary. For example, the legislation would authorize the federal courts to:

- coordinate and consult with the U.S. Marshals Service in determining the Judiciary's security needs;
- make intermittent confinement permanently available as a condition of supervised release, with several limitations;
- treat as civil debts the fines and/or orders of restitution in criminal offenses, making them payable immediately and collectable by the Department of Justice;
- identify as a crime the filing of a false lien or encumbrance against the property of any federal judge;
- provide Judiciary employees with a competitive comprehensive supplemental benefits package;
- extend to bankruptcy, magistrate, and territorial judges the same costs for group life insurance after age 65 as for Article III judges;
- extend to surviving spouses and families of federal judges the same eligibility for health insurance coverage as that enjoyed by other federal employees; and
- extend to territorial judges the same treatment as other non-Article III judges in their retirement coverage and employment cost index (ECI) adjustments.

One section of this proposed courts improvement bill was enacted on September 9, 2005, as the Federal Judiciary Emergency Special Sessions Act of 2005, P.L. No. 109-63. Prompted by Hurricane Katrina, this new law allows any federal court to conduct proceedings outside its jurisdictional boundaries during emergency situations.

The proposed Federal Courts Jurisdiction Clarification Act of 2005 is a package of substantive amendments to Title 28, U.S. Code. It includes provisions clarifying certain issues regarding diversity jurisdiction in such areas as the resident alien proviso and the citizenship of businesses with foreign contacts. The bill would also improve removal and remand procedures and index the amount in controversy for diversity jurisdiction. In November 2005, the House Judiciary Subcommittee on Courts, the Internet and Intellectual Property held the first hearing on this bill.

Also transmitted was a proposal to amend the Higher Education Act of 1965 to make full-time federal defender attorneys eligible for cancellation of certain student loans over five years and authorize law clerks working full-time for federal judges to defer payments on certain federally-insured student loans for up to three years.

In addition, a proposed bill with two tax-related amendments was transmitted, which would make certain rules regarding sales of property comply with conflict-of-interest requirements in the federal Judiciary. The amendment would

“The Judicial Conference transmitted to Congress a proposal to equalize the annual adjustments in the rates of pay of senior federal government officials, including federal judges.”

also specify that the value of transportation provided by a federal agency to a federal employee due to security concerns is not treated as taxable income. Lastly, the Judicial Conference transmitted to Congress a proposal to equalize the annual adjustments in the rates of pay of senior federal government officials, including federal judges’ COLAs, with the average level received by most other federal employees under the General Schedule. Under the current pay system, the cumulative pay increases received by General Schedule employees since 1994 have been about 150 per-



Judge Jane Roth, Chair, Judicial Conference Committee on Security and Facilities, urged Congress to fund increased security for all federal judges.



The Judiciary supported legislation authorizing closer coordination and consultation with the U.S. Marshals Service in determining security needs for the federal courts.



The Judiciary has sought relief in the rent it pays GSA for court facilities and looked for ways to reduce space in courthouses.

cent greater than the increases received by judges and other senior federal government officials.

Courthouse Construction

After imposing a courthouse construction moratorium, the Judiciary proposed only one construction project for FY 2006—the San Diego, California courthouse, which had been declared a space emergency. The President’s proposed budget for FY 2006 included \$231 million to build the new courthouse annex in San Diego and also \$3 million requested by the GSA to demolish a building on a previously purchased site for the Austin, Texas project.

Congress approved appropriations for both projects. However, in December 2005, the House delayed authorization of the San Diego project, pending an accurate cost estimate from GSA. Congress further appropriated funds for seven additional courthouse construction projects, including four projects: Cape Girardeau, Missouri; Jackson, Mississippi; Las Cruces, New Mexico; and El Paso, Texas. It funded two projects: Rockford, Illinois and Jefferson City, Missouri ahead of schedule and one project, Tuscaloosa, Alabama, that has never been on the Judicial Conference five-year plan. Appropriations and authorizations of \$126 million also were approved for FY 2006 for six courthouse repair and alterations projects, plus the Tuscaloosa, Alabama Federal Building.

Faced with a growing rent bill that has forced staff reductions, the Judiciary has sought relief in the rent it pays to GSA for court facilities and looked for ways to reduce space in courthouses. A rent working group composed of judges from the Judicial Conference Executive Committee, Budget Committee, and the Security and Facilities Committee met in June. Before the meeting, in February, GSA had rejected a late 2004 request for a reduction in rent from AO Director Meham, Chief Judge Carolyn King, chair of the Executive Committee, and Judge Jane Roth, chair of the Committee on Security and Facilities. They had asked that the Judiciary’s rent be reduced to reflect only operation and maintenance expenses, and not capital costs of land and construction, for a savings of \$483 million annually. As a result of the Director’s additional out-

reach to Congress on this issue, 11 senior members of the Senate Judiciary Committee also wrote to GSA in May to request rent relief for the Judiciary. They, too, received a negative response.

Other committees in Congress have focused on the possibility of courtroom sharing as a way for the Judiciary to reduce its space needs. In April, leaders of the House Committee on Transportation and Infrastructure requested a study by the Government Accountability Office (GAO) on the Judiciary’s rent problems—to be completed in May 2006—and in June, there was a subcommittee hearing on the matter. As a result, the chairman of the House subcommittee requested that the Judiciary conduct a study on courtroom sharing. Then, the Senate required the Judiciary to report to the Appropriations Committee 120 days after enactment. Reports must cover the number of courtrooms compared to the number of judges nationwide, the number of senior judges that maintain sole use of a courtroom, the districts in which enough space is available that courtroom sharing could realistically occur, and the financial savings that could be accomplished through courtroom sharing.

Finally, GAO completed a report this year, requested by the Senate Committee on Environment and Public Works, on the reasons for changes in the size and cost of courthouse construction projects. The report concluded that final costs exceeded original estimates submitted to Congress at the design stage and at the construction stage by an average of 17 percent and 5 percent, respectively. Increased costs were attributed to changes in the project’s scope, usually due to increased security requirements, or delays in the project. GAO found that deviations from the *U.S. Courts Design Guide* did not lead to increased costs, as such changes were usually offset by other space reductions.

Ninth Circuit Split

A number of bills were introduced in both houses of Congress to split the Court of Appeals for the Ninth Circuit, each proposing slightly different formulations, varying by the number of newly created circuits, combinations of states included in each circuit, and how existing or newly authorized judgeships would be allocated through-

out the new configurations. Hearings were held in both the House and Senate on the proposed split and on the need for 92 new judgeships. The House passed the bill at the end of the session, but it was dropped by the Congressional conferees.

Class Action Fairness Act

With passage of the Class Action Fairness Act of 2005, P.L. No. 109-2, jurisdiction for most large class action suits moves from state courts to federal courts. Generally, the Act grants the federal courts jurisdiction over class action suits based on minimal diversity of jurisdiction between adverse parties when the aggregate amount in controversy exceeds \$5 million. The Congressional Budget Office estimated that at least several hundred additional class action suits will be heard in federal courts.

Under the law, the Judicial Conference must report to the House and Senate Judiciary Committees by February 18, 2006 on class action settlement best practices and how they are applied.

Asbestos

At year's end, prospects for passage of new asbestos legislation remained uncertain, although the Senate indicated it would consider S. 852, the Fairness in Asbestos Injury Resolution Act of 2005 as the first major legislative issue of the second session of the 109th Congress.

Early in 2005, the Senate Judiciary Committee approved a bill introduced by Senators Specter and Leahy that would establish a \$140 billion national fund through mandatory contributions by companies with prior asbestos expenditures and their insurers. Payments would be made from this fund to eligible individuals who meet certain medical and other specified requirements. The bill would create a no-fault administrative system for the processing of asbestos claims, established in the Department of Labor. Remedies specified in the bill would be the only ones available under state and federal law. The bill includes several new judicial review procedures, including procedures permitting any claimant aggrieved by the final decision of the administrative process to seek judicial review in federal appeals court.

Other asbestos legislation was introduced that would establish medical criteria to govern the

eligibility of claimants to recover for asbestos exposure in cases filed in state and federal court.

Multidistrict Litigation Restoration Act of 2005

The Multidistrict Litigation Restoration Act of 2005, passed by the House in April, responds to the 1998 Supreme Court decision in *Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*. That ruling held that a district judge conducting pretrial proceedings in cases transferred by the Judicial Panel on Multidistrict Litigation—which centralizes like cases—does not have statutory authority to retain a case for trial. This bill would allow a judge to retain such a case or transfer it to another district for trial, restoring a practice used effectively for decades.

The Multidistrict Litigation Restoration Act is strongly supported by the Judicial Conference. The House of Representatives has passed similar proposals in each of the three prior Congresses.

Bankruptcy Reform Law

Significant changes in requirements for bankruptcy filings were instituted with P.L. No. 109-8, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, signed into law by the President on April 20, 2005. The new law imposed additional duties on the courts, including a duty to maintain and control access to federal tax returns filed by debtors. Workload impacts are discussed in detail elsewhere in this report. It also authorized 28 additional temporary bankruptcy judgeships in specified districts based on a 1999 recommendation of the Judicial Conference that does not match current workload requirements. The Administrative Office continues efforts to secure bankruptcy judgeships consistent with current recommendations by the Judicial Conference.

Sentencing Guidelines

Following the Supreme Court rulings in *Booker* and *Fanfan*, the chairman of the House Judiciary Committee introduced legislation that included a provision to restrict judicial discretion in sentencing. The bill would have converted the bottom of the now-advisory sentencing guideline ranges into mandatory minimum sentences

and essentially limited downward departures to circumstances in which the government supports a lower sentence. Judge Sim Lake, Chair of the Criminal Law Committee, transmitted a letter expressing the views of the Judicial Conference to the House Judiciary Committee in April.

Social Security

In March 2005, the Judicial Conference took a position opposing “the elimination of a claimant’s right to request review of an administrative law judge’s adverse decision by the Appeals Council, or another administrative reviewing unit with comparable authority, prior to seeking relief in federal district court.”

When the Social Security Administration (SSA) proposed regulations regarding the disability claims process, AO Director Mechem sent a letter expressing the views of the Judiciary to SSA. Two changes proposed by SSA raised particular concern for the federal Judiciary. SSA would abolish the Appeals Council and eliminate a claimant’s right to request administrative appellate review by the Appeals Council of an administrative law judge’s adverse decision. Instead, a Disability Review Board would be created that would have discretion as to which cases it would review.

In September, Judge Howard McKibben, Chair of the Committee on Federal-State Jurisdiction, testified before a joint hearing of the Subcommittees on Human Resources and Social Security of the House Ways and Means Committee on SSA’s proposed changes.

Habeas Corpus Reform

Similar legislation introduced and considered in the Senate and House would limit federal court review of habeas petitions filed by state prisoners, and would also shift from the federal courts to the Attorney General of the United States the responsibility for determining, in capital cases under chapter 154 of Title 28, United States Code, whether a state has established a qualifying mechanism for providing competent counsel to indigent defendants in state post-conviction proceedings.

The Judicial Conference expressed its opposition to provisions in the legislation that have the potential to undermine the traditional role of

the federal courts to hear and decide the merits of claims arising under the Constitution; impede the ability of the federal and state courts to conduct an orderly review of constitutional claims, with appropriate deference to state court proceedings; and prevent the federal courts from reaching the merits of habeas corpus petitions by adding procedural requirements that may complicate the resolution of these cases and lead to protracted litigation.

Although the Streamlined Procedures Act was not enacted during the first session, the legislation is expected to be actively considered in the second session. In addition, some of the provisions have also been included in the PATRIOT Act reauthorization bill, which Congress may consider early in its second session.

Redaction Authority Renewal

Recognizing the unique risks faced by judges, Congress in 1998 authorized the Judicial Conference to redact sensitive and personal information from financial disclosure reports upon finding in consultation with the United States Marshals Service (USMS), that the information could endanger the filer. Congress extended this initial authority through December 31, 2005. The Administrative Office has given the highest priority to extending this authority, conducting numerous meetings with congressional staff and coordinating testimony and congressional visits by federal judges.

In May 2005, Judge Jane Roth, Chair of the Committee on Facilities and Security, testifying before the Senate Judiciary Committee, called for the extension of redaction authority to safeguard federal judges. A provision to extend that authority without a sunset was included in the court security bill introduced in the House of Representatives and a bill to authorize a five-year extension was subsequently introduced in the Senate. Both the House and Senate passed bills late in the session, but were unable to reconcile the differences in the two bills. ■

JUDICIAL RESOURCES



Judicial Nominations and Confirmations

During the first session of the 109th Congress, 14 nominees for Article III judgeships were confirmed—7 court of appeals judges, and 7 district court judges. As of January 2006, there were a total of 51 judicial vacancies—14 in the U.S. courts of appeals, 36 in the U.S. district courts and one on the Court of International Trade. Although the total number of vacancies has stabilized over the last few years, the presence of numerous judicial vacancies on specific courts continues to be a serious concern.

Judges' Pay and Retirement

Judges will receive a 1.9 percent pay adjustment effective January 1, 2006. This will be the eighth consecutive year that judges have received this statutorily established annual pay adjustment, following extensive efforts by justices, judges, Director Mechem, AO staff and outside groups to guide the pay adjustment through the appropriations and legislative processes.

In March 2005, the Director relocated administration of personnel services and related advisory, education, and support to judges to the Office of Human Resources for streamlined management. The move covers management of personnel and payroll systems for all judges and annuitants, and judicial retirement systems.

Programs on benefits and retirement options continued to be offered to judges at various stages in their careers. Individualized counseling sessions offered to judges and their spouses have been a successful component of these programs. Special focus was dedicated to providing information to

judges and their spouses on Federal Employees Group Life Insurance open season elections, and the Judiciary's Long-Term Care "buy-up" offer opportunity.

Article III Judgeships

In March 2005, Director Mechem transmitted to Congress the request of the Judicial Conference for the creation of additional Article III judgeships. The proposed legislation would add nine permanent judgeships and three temporary judgeships to the courts of appeals, 44 permanent judgeships and 12 temporary judgeships to the district courts, convert three existing temporary district judgeships to permanent status, and extend one temporary district judgeship for an additional five years. Director Mechem also sent a letter to the President and Congress recommending that the next judgeship vacancy in the District of Wyoming not be filled.

The "Federal Judgeship and Administrative Efficiency Act of 2005" was introduced as H.R. 4093 in October by Rep. Sensenbrenner, Chairman of the House Judiciary Committee. The bill reflected the Judicial Conference request for 68 additional Article III and 24 bankruptcy judgeships. It also contained language that would split the Court of Appeals for the Ninth Circuit by creating a new Twelfth Circuit consisting of Alaska, Montana, Washington, Oregon, Nevada, Arizona, and Idaho.

On October 27, 2005, the bill was reported out of the House Judiciary Committee and was then added to the Budget Reconciliation Act of 2005 where it was dropped in conference with the Senate



Judge Howard D. McKibben testified on habeas corpus reform before the Senate Judiciary Committee in November 2005. He chairs the Judicial Conference Committee on Federal-State Jurisdiction.



Testifying at a hearing before the Senate Subcommittee on Administrative Oversight and the Courts are, from left, Judge W. Royal Furgeson, chair of the Judicial Resources Committee; Judge William H. Steele; Federal Bar Association President Robyn Spalter, and Professor Marc Gardner.

in the final days of the first session of the 109th Congress. In the Senate, a hearing was held by the Judiciary Subcommittee on Administrative Oversight and the Courts in December, at which Judge Royal Furgeson, Chair of the Judicial Resources Committee, testified on behalf of the Judiciary in support of the proposed 68 new judgeships. It is anticipated that the Senate will consider these issues further in the next session of this Congress.

Administrative Office staff supported the work of the Judicial Conference Committee on Intercircuit Assignments by processing requests for Article III judges to serve outside their circuits. The Chief Justice approved a total of 137 intercircuit assignments for 74 Article III judges in FY 2005. In addition, staff began collecting data on visiting judge assignments—both intercircuit and intracircuit—in response to a request from the Executive Committee that the Committee analyze the costs and benefits of intercircuit and intracircuit assignments as part of a Judiciary-wide effort to contain costs.

Bankruptcy Judgeships

Every two years, the Judicial Conference submits to Congress its recommendation for the authorization of additional bankruptcy judgeships. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, introduced in February, included the authorization of bankruptcy judgeships as recommended by the Judicial Conference in 1999. The Judicial Conference then transmitted its 2005 recommendation to Congress for 47 additional bankruptcy judgeships—17 temporary and 30 permanent. Administrative Office staff assisted by preparing the proposed legislation, detailed analysis, background information, and statistics provided to Congress. However, the Bankruptcy Reform Act authorized only 28 additional temporary judgeships, five of which were not recommended by the Judicial Conference.

Administrative Office staff communicated with the affected circuits details about the additional judgeships, including budget, and space and facility issues associated with them. Staff organized circuit requests for the Judicial Conference to determine where these new judgeships would hold court. Supplemental legislation and background material was prepared seeking authoriza-

tion for 24 bankruptcy judgeships remaining from the Judicial Conference's pending 2005 recommendation, and to convert to permanent those judgeships that were authorized as temporary.

During FY 2005, staff helped courts locate bankruptcy judges willing to serve on inter-circuit assignments of varying lengths and collect feedback data for reports to Congress, the Judicial Conference Committee on Administration of the Bankruptcy System, the Director, and each circuit and district, as appropriate. For the 12-month period ending June 30, 2005, bankruptcy judges reported providing 4,393.50 hours of intra-circuit and 3,529.50 hours of inter-circuit assistance to other bankruptcy districts. At the end of September 2005, there were 32 retired bankruptcy judges recalled to service.

Magistrate Judgeships

In fiscal year 2005, there were 495 full-time and 48 part-time magistrate judge positions, and three combination clerk/magistrate judge positions, an increase of eight over the previous year. For fiscal year 2006, eight district courts requested 12 additional full-time positions, but only five new full-time positions were authorized by the Judicial Conference at the recommendation of the Committee on Administration of the Magistrate Judges System. During 2005, the Committee reviewed requests for additional positions more closely as part of its cost-containment efforts. Courts continued to request additional magistrate judge positions to address caseload growth

“The Judicial Conference Committee on Rules of Practice and Procedure and its five advisory rules committees propose amendments to the rules that govern all federal court proceedings and affect the entire legal system.”

and expanded nationwide use of magistrate judges. AO staff prepared detailed survey reports on all requests for additional magistrate judge positions, and in 2005 prepared 20 district-wide reviews of current magistrate judge positions.

During the past year, the Magistrate Judges Committee chair approved requests from 16 courts to fill upcoming vacancies and the full Committee approved filling vacancies in seven courts; the Judicial Conference approved filling five of those vacancies.

The Administrative Office monitors the program to recall retired magistrate judges to service either in their home districts or in other districts. During the past year, AO staff assisted two district courts in meeting their need for short-term assistance following an unexpected vacancy in a magistrate judge position.

AO staff help district courts follow proper procedures for the Magistrate Judges Committee to evaluate recall requests, with a new requirement in 2005 that circuit councils certify related staffing needs. Staff provided detailed statistical information to the circuit councils, helped the Committee evaluate cost information and all inter-circuit recalls, as required by Judicial Conference regulations. The Committee considered six such requests during the year.

Federal Rules of Practice and Procedure

The Judicial Conference Committee on Rules of Practice and Procedure and its five advisory rules committees propose amendments to the rules that govern all federal court proceedings and affect the entire legal system. During the year, Administrative Office staff assisted the Rules committees during a dozen meetings, and coordinated work resulting from their decisions.

AO staff also monitored congressional activity in the rule-making process. Staff advised the Rules Committees of some 20 separate pieces of legislation that were introduced in, or passed by, Congress during the past year that could affect the federal rules of practice, procedure, and evidence. Staff also prepared position papers and correspondence to Congress expressing the views of the Judiciary relating to rules-related issues in legislation.

Staff posted proposed amendments to the federal rules of practice and procedure on the Judiciary's *Federal Rulemaking* web site, <http://www.uscourts.gov/rules/>, where comments can now be submitted electronically. During the comment period ending in February 2005, over 300 comments were submitted on the proposed rules amendments. The web site also recorded a 300 percent increase in the number of visits during this year's public comment period as compared to last year. In addition, the Committees' reports

and minutes for the past 13 years are now posted on the web site, establishing a historic record for users. Staff continued to update and expand the amount of rules-related content on the web site.

Status of Proposed Rules Amendments. In April, the Supreme Court approved amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure. Appellate Rules amended include Rule 35 (en banc determination), which resolves an inter-circuit conflict regarding the make-up of a vote for hearing or rehearing en banc. Amended Bankruptcy Rules 2002 (notices to creditors and others), 9001 (definitions), and 9036 (notice by electronic transmission) facilitate the transmission of notices to creditors. The amendments, which were considered on an expedited basis, are expected to save the courts considerable money in mailing and administrative expenses. The amendments took effect in December 2005.

At both its March and September 2005 meetings, the Judicial Conference approved proposed amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure, and the Federal Rules of Evidence for submission to the Supreme Court. Proposed new Appellate Rule 32.1 requires courts to permit the citation of unpublished judicial dispositions. Proposed amendments to Civil Rules 16 (pretrial conferences), 26 (provisions governing discovery), 33 (interrogatories), 34 (production of documents), 37 (failure to cooperate in discovery; sanctions), and 45 (subpoena) pertain to discovery of electronic information. Proposed new Supplemental Rule G (forfeiture actions) consolidate in one rule the procedures governing civil forfeiture actions. The proposed uniform amendments to Appellate Rule 25 (filing and service), Bankruptcy Rule 5005 (filing and transmittal of papers), and Civil Rule 5 (service and filing of pleadings) authorize a court to require electronic case filing by local rule. Amended Appellate Rule 25, Bankruptcy Rule 5005, and Civil Rule 5, also considered on an expedited basis, are expected to achieve significant cost savings for the federal courts.

Financial Disclosure

The Judicial Conference Committee on

Financial Disclosure and the Administrative Office continued to provide information on financial disclosure filing procedures to new judges attending orientations sponsored by the Federal Judicial Center. Presentations on preparing financial disclosure reports were offered to judges' secretaries and judicial assistants.

Judges' Orientation and Outreach Programs

Orientation programs familiarize new chief judges and judicial nominees with their new responsibilities related to court administration and operations, and introduce them to AO staff and resources. In 2005, staff hosted two-day orientation programs for one new appellate chief judge and 14 new district chief judges that personalized information to the attending chief judge's individual circuit or district. Staff also hosted one-day orientations for 19 Article III and Article I judgeship nominees focusing on judicial governance, court personnel, procurement management, chambers staffing, judicial ethics, and personal security.

International Judicial Relations

Important rule of law dialogues between international judiciaries and the U.S. Judiciary continued in 2005. The AO responded to inquiries to the Judicial Conference Committee on International Judicial Relations, from the judiciaries of other countries, and from international organizations and U.S. government agencies involved in judicial reform and rule of law activities. During the year, AO staff coordinated briefings for 75 international delegations, including over 482 judges, court administrators, and other officials from more than four dozen countries. U.S. judges and court administrators participated from a distance in many of these briefings via video conference. In addition, 211 Russian and Ukrainian judges participated in two-day orientations hosted by the Administrative Office in Washington, DC, sponsored through the Open World Program at the Library of Congress. They then were hosted in U.S. courts and communities throughout the country to observe how the U.S. courts operate.

Strong foreign interest in the U.S. bankruptcy system continued. Members of the Swedish

Parliament visited to discuss policies they might consider when they update their insolvency system. The Office of the Official Receiver for Singapore sent a delegation to examine U.S. procedures for reorganization of businesses under chapter 11 of the Bankruptcy Code and personal bankruptcies under chapter 13. Later, they hosted an expert from the staff of the Administrative Office in Singapore to continue discussions with policy makers there. A guest from the Insolvency and Trustee Service of Australia examined the objectives and likely results of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Federal Law Clerk Information System

The Federal Law Clerk Information System (FLCIS) allows judges to post information about law clerk employment opportunities within the federal courts on the Judiciary's national web site, uscourts.gov. Sixty-five percent of the cir-

“During the year, AO staff coordinated briefings for 75 international delegations, including over 482 judges, court administrators, and other officials from more than four dozen countries.”

cuit, district, magistrate, and bankruptcy judges participated in the program during 2005, providing information on more than 2,800 clerkship opportunities. The database

continues to be a useful resource for potential law clerk applicants, supporting a daily average of more than 2,400 search inquiries by year's end. For the Fall 2005 recruiting season, applicants used the web site vigorously from June to September.

Law Clerk Assistance Program

In April 2004, Administrative Office staff created and launched the Law Clerk Assistance Program (LCAP) to assist bankruptcy judges who need additional law clerk assistance with respect to specific bankruptcy case-related issues. Through LCAP, law clerk assistance from chambers around the country has been made available to judges upon request with the permission of the employing judge and with no expenditure of funds. As of September 2005, a total of 12 bankruptcy law clerks were participating in the program and providing assistance to judges in the Southern District of New York and the District of Delaware.

In September 2005, LCAP was expanded to Article III and magistrate judges. Separate sites have been added to the J-Net for both Article III judges and magistrate judges to request law clerk assistance.

Publications

The Administrative Office revised the Judges Information Series publication *Getting Started as a Federal Judge*, to reflect significant administrative, legal, legislative, and policy changes since its original 1997 publication. The revised publication includes a new chapter on judges' stewardship responsibilities and updates information on pay and benefits, information technology programs, statistics, emergency preparedness, and security. It will be distributed to all judges and clerks of court.

In addition, *A Brief Guide to Judges' Travel* and an accompanying “quick reference” brochure were revised to conform with March 2005 changes to Judicial Conference policy on judges' travel. The revised guide was published in both printed and electronic form.

Also of note, five separate information memoranda were sent to the courts in 2005 summarizing significant recent cases that either address the authority of magistrate judges or address issues of concern to their work.

Chief Judges Budget Training

Throughout 2005, AO staff instructed and trained 14 chief judges participating in the Chief Judge Orientation sessions sponsored by the Office of Judges Programs. These briefings highlighted the chief judge's role and responsibilities in financial management, stewardship issues, and a general overview of the Judiciary's budget process. Additionally, staff reviewed current budget and staffing data with the judges pertaining to their respective court units.

Information Technology Training for Judges

The national information technology training program has provided many judges with automation training since its inception in 1992. The Judicial Conference Committee on

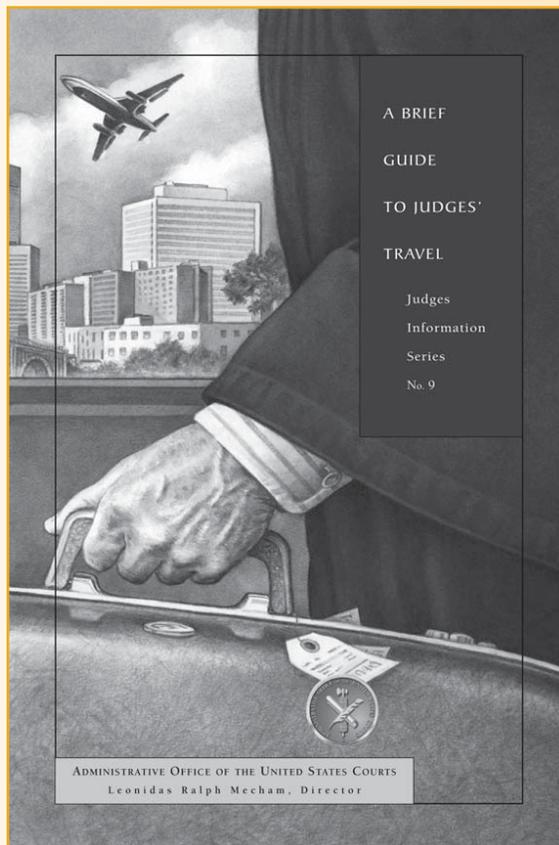


Faculty members discuss the Seminar for Newly Appointed District Judges. Front, left, Judge Kathryn Hayden listens to Judge Stephen Robinson during a breakout session.

Information Technology has re-evaluated the scope and content of existing course offerings and has guided AO staff in the creation of new courses that will enhance training for judges.

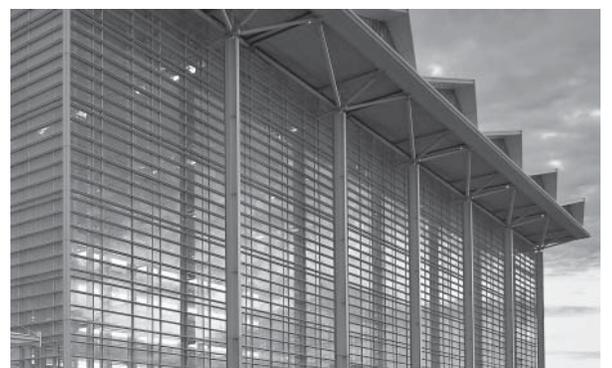
The revised training will focus on applying information technology to help judges accomplish specific tasks and functions. For example, a new course is being developed that deals with working outside chambers, case management, and calendaring. A key feature of the new courses will be that judges, as end users, should be directly involved in the development of curriculum or other initiatives, as faculty in the delivery of programs, and as mentors to assist in local training activities.

The AO is also producing a series of Tech Tips for judges, which are short videos featuring judges demonstrating how they use technology to manage their workload and improve their efficiency. ■



A Brief Guide to Judges Travel, an update to travel regulations, was completed and sent to every federal judge in 2005. It also was posted on the Judiciary's intranet site.

SUPPORT
TO THE
COURTS



RECOGNIZING EXEMPLARY SERVICE: DIRECTOR'S AWARDS



Exceptional contributions to the federal courts are recognized each year with the Director's Awards program for Judiciary employees. The Administrative Office Director solicits nominations for awards to honor employees in one of three major areas of accomplishment. The Director's Award for Outstanding Leadership recognizes managerial employees who have contributed on a national level through their leadership skills to improvements in the administration of the federal Judiciary. The Director's Award for Excellence in Court Operations recognizes employees for achievements in improving the operations of the federal courts within four categories: Excellence in Court Administration, Excellence in Court Technology, Excellence in Court Support, and Excellence in Mission Requirements. The Director's Award for Extraordinary Actions recognizes Judiciary employees for ensuring that the mission of the Judiciary is met during adverse situations by displaying creativity, bravery, and resourcefulness. Eleven Judiciary employees were selected in 2005 for recognition from an outstanding field of nominees.

Director's Award for Outstanding Leadership:

Weldon Samuel Hamrick, Jr., Clerk
United States District Court
Southern District of California



Weldon Samuel Hamrick, Jr.



Lawrence D. Long



Frederick F. Arters

Director's Award for Excellence in Court Operations:

Court Administration
Lawrence D. Long, Financial Administrator
United States District Court
District of South Carolina

Court Technology
Frederick F. Arters, Programmer/Analyst
United States Bankruptcy Court
Eastern District of Virginia

Director's Award for Extraordinary Actions:

Group Award - United States District Court,
Middle District of Florida

- Jessica Jo Lyublanovits,
Chief Deputy Clerk - Tampa
- Jerry Wayne Pullum,
Assistant Systems Manager - Jacksonville
- Charles E. Pumroy,
ICMS Systems Administrator - Tampa
- Larry J. Rosemond,
Network Administrator - Tampa
- Jorge Sanz, Systems Manager - Tampa
- Patrick J. Totushek,
Automation Support Specialist - Fort Myers
- Rebecca Lynn Vail,
Chief Deputy Clerk - Orlando
- Jeffrey R. Warne,
Network Administrator - Orlando



From left: Patrick J. Totushek, Larry J. Rosemond, Charles E. Pumroy, Jerry Wayne Pullum, Jorge Sanz, Jessica Jo Lyublanovits, Rebecca Lynn Vail, and Jeffrey R. Warne.

HISTORIC EVENTS CHALLENGE RESOURCES



Hurricane Relief Efforts

As the fiscal year drew to a close, Hurricanes Katrina and Rita had an enormous effect on court operations in Florida, Louisiana, Mississippi, Texas, and Alabama. Following Hurricane Katrina, Director Mecham and AO staff helped locate judges and court staff, and began to assess the storms' impact on court and family members. Immediately, and regularly, the Director issued memoranda to affected judges and court unit executives addressing issues of key concern: relocating judges and court employees to safety; sharing expert guidance on temporary duty travel and related expense reimbursement; contacting banks to transmit paychecks promptly; making sure Judiciary employees received their benefits; allocating supplemental funds to cover disaster expenses; delegating certain procurement authority for replacement furniture, supplies, and equipment; and setting up alternative communications equipment to address service outages affecting court business.

An expert AO staff team traveled to provide onsite assistance in the areas of human resources and financial management, travel, information technology, procurement, space and leasing, security, and FEMA benefits. Throughout September, the teams deployed to Jackson in the Southern District of Mississippi, Baton Rouge, Houma, and Lafayette in the Eastern and Western Districts of Louisiana, and to the Rita-impacted Southern and Eastern Districts of Texas. AO staff clarified the special authorities delegated by the Director, and advised how to apply them to individual court needs. The AO team also helped judges and staff clear backlogged trans-

actions to close out the fiscal year for the Fifth Circuit and the Eastern District of Louisiana.

In Washington, DC, AO staff from 18 program offices formed the Director's Judiciary Emergency Response Team to discuss and coordinate answers for affected courts in the areas of procurement, facilities, technology, travel, finance, human resources, legislative affairs, public affairs, and legal counsel.

After Katrina devastated the Gulf, the Eastern District of Louisiana was unable to operate in New Orleans. The AO pressed for legislation to allow district courts to

hold sessions or conduct business outside their own districts during emergencies, and the Federal Judiciary Emergency Special Sessions Act of 2005 became law on September 9. In addition, the AO worked to gain authority for an emergency leave transfer program for the judicial branch similar to that established in the executive branch. Judiciary employees affected by emergencies declared by the President, such as hurricanes, could be eligible to receive leave donations from colleagues.

Overall effects of Hurricanes Katrina and Rita on the courts will be felt for a long time, and will require ongoing staff attention.

Bankruptcy Reform

The most sweeping changes to bankruptcy law in the past 20 years were enacted on April 20, with The Bankruptcy Abuse Prevention and

“The AO pressed for legislation to allow district courts to hold sessions or conduct business outside their own districts during emergencies.”

Consumer Protection Act of 2005. The Act's impact on Judiciary resources, including AO staffing, has been monumental. The general effective date of the Act was October 17, 2005. Due to the size and impact of the Act, and the short amount of time allowed to implement it, many Administrative Office staff focused on the massive amount of work required to implement the new law in a timely manner.

Work on the legislation began before it was introduced to identify technical corrections, and the Judicial Conference recommended substantive amendments for transmittal to congressional staff. The Administrative Office responded to numerous inquiries from Congress to analyze, comment upon, or provide suggested amendments to discrete sections of the bill. AO staff also prepared a correction to the fee provisions in the bill, which ultimately was enacted by Congress as part of a FY 2005 emergency supplemental appropriations act (P.L. No. 109-13).

To coordinate the Administrative Office's efforts, Director Mecham formed a Bankruptcy Act Implementation Working Group, which met three times a month to monitor progress in implementing provisions of the Act and to identify and discuss issues of concern. Administrative Office staff developed numerous memoranda to the courts and created a web page on the J-Net to keep bankruptcy judges, bankruptcy administrators, and court personnel apprised of the issues in the Act affecting the Judiciary and actions taken by the Judicial Conference and the Administrative Office to implement it. Staff drafted guidance, procedures, and forms for use by the courts following review and adoption by the Judicial Conference.

Administrative Office staff worked with the Executive Office of the United States Trustees on implementation issues, and offered assistance to the Small Business Administration concerning its responsibilities under the Act. AO staff provided guidance to the bankruptcy administrators (BAs) in the six judicial districts located in Alabama and North Carolina to identify the BAs' new responsibilities and to assist in their implementation of the Act. A conference was held in August 2005 to help BAs identify their new duties and educate their staff and trustees. Forms

and instructions were developed for application by consumer credit counseling groups in BA districts, as required by the Act. The AO also has begun revising the work measurement formula for bankruptcy clerks and developing a work measurement formula for bankruptcy administrators.

Additionally, staff drafted a proposed technical corrections bill for submission to Congress, and have responded to further congressional inquiries regarding the Act. Staff also helped develop of testimony presented to the House Judiciary Committee during an oversight hearing on the Judiciary's conformance with the Act.

Bankruptcy Basics was revised and posted on the Judiciary's public web site two weeks in advance of October 17, 2005, the general effective date of the Act. This popular and widely acknowledged publication provides basic information on the federal bankruptcy laws and answers some of the most common questions about the bankruptcy process.

Interim Bankruptcy Rules and Forms. Since passage of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, the Advisory Committee on Bankruptcy Rules and the Administrative Office have been engaged in an intensive effort to review the new law, determine the necessary changes in the Bankruptcy Rules and official forms to implement the law, and to prepare and disseminate the new necessary rules and forms.

Beginning with an organizational meeting the day after enactment of the law, the Advisory Committee conducted more than 20 conference calls, three subcommittee meetings, and two full committee meetings. In addition, members of the Advisory Committee, the committee's consultants, and Administrative Office staff spent numerous hours conferring, drafting, and exchanging e-mail on the new and revised rules and forms.

As a result of this work, the Advisory Committee and the Judicial Conference Committee on Rules of Practice and Procedure approved amendments to 35 existing rules, eight new rules, amendments to 33 existing official forms, and nine new official forms. The 180-day period between enactment and the law's general effective date of October 17, 2005, did not provide sufficient time



Throughout September, Director Mecham deployed expert AO staff teams to support court staff in areas hit heavily by Hurricane Katrina.



In cities across the country, lines of bankruptcy petitioners were long and formed early.



Cases flooded into bankruptcy courts—like this one in the Central District of California—as petitioners rushed to file before the new bankruptcy law went into effect October 17, 2005.

to promulgate national rules and Official Forms under the Rules Enabling Act. Therefore, the Advisory Committee proposed Interim Bankruptcy Rules and revised official forms. The Executive Committee of the Judicial Conference adopted the official forms and approved transmitting the Interim Rules to the courts for adoption locally.

Administrative Office staff posted the Interim Rules and official forms on the Judiciary's Internet web site. Staff have responded to numerous inquiries about the rules and forms and have participated in many meetings, more than a dozen national teleconferences, and a satellite broadcast with bankruptcy judges, clerks, and other court staff on the new rules and forms.

The Interim Rules are expected to apply to bankruptcy cases from October 17, 2005, until final rules are promulgated and effective under the regular Rules Enabling Act process. The Advisory Committee continues to carefully study the Act and comments on the Interim Rules and official forms with the goal of publishing proposed national rules no later than August 2006 with an effective date of December 1, 2008. ■

FACILITIES AND SECURITY



U.S. Courts Design Guide Review

A highly participative, comprehensive review of the *U.S. Courts Design Guide* with a focus on function, technology, and cost began in October 2004 as a Judiciary cost-containment initiative. Using more than 1,000 comments from judges, court unit executives, the GSA, and other stakeholders, discussion groups of liaisons from seven Judicial Conference committees and court unit executives met in November 2004, February 2005, and March 2005.

They proposed revisions for chambers and court office space, which were circulated for comment in April. Although the Judicial Conference Committee on Security and Facilities recommended 18 revisions on chambers and court office space to the September 2005 Judicial Conference, only revisions for court office space were endorsed. Recommendations for chambers space modifications were recommitted to the Committee on Space and Facilities for further consideration. Technical revisions, such as public spaces and atria, lighting, heating ventilation and air conditioning, acoustics, and finishes will be proposed in the completely revised *Design Guide* for consideration by the Judicial Conference in September 2006.

Building Management Delegation Program

The Judiciary has participated in the building management delegation program of GSA since it was approved by the Judicial Conference as a pilot program in March 1988. The Administrative Office entered into real prop-

erty operations and building management delegation agreements for district court facilities in Birmingham, Alabama; Miami, Florida; and West Palm Beach, Florida. In 2004, GSA shifted additional maintenance responsibilities to the courts for these buildings. Those courts had to plan and budget for projected and unforeseen repairs above typical daily building maintenance. Higher operating costs resulted for the Judiciary.

As a cost savings measure, the September 2005 Judicial Conference endorsed ending the Judiciary's participation in the building management delegation program. The Conference supported development of a transition plan to return the operation and management of those court facilities to GSA.

Rent Cost-Containment Initiatives

Pursuit of several initiatives to contain the current and future costs of rent the Judiciary pays to the GSA continued in 2005. Required rental payments have forced a 6 percent reduction in Judiciary staff and shortages in other critical areas. Among those initiatives were:

- **Space Moratorium Extended.** Implementation of a one-year space moratorium, endorsed by the Judicial Conference in March 2004, was extended another year in March 2005. The space moratorium is estimated to avoid \$6 million in rent by deferring or canceling space requests under the moratorium that cost less than \$2.36 million in fiscal year 2005.
- **Rent Bill Review.** A review of rental bills of individual court facilities has realized some rental

cost savings through three efforts. First, Administrative Office staff involved the courts nationwide in a review of their rent bills. Discrepancies in those bills were reported to GSA. Second, the district court for New York-Northern embarked on a thorough analysis of its rental charges, which uncovered serious overcharges by GSA. In response, GSA issued a \$3.2 million rent credit to the Judiciary and began its own nationwide rent validation review. Third, an additional \$10 million in rent credits were identified because GSA misapplied its pricing policies at the Patrick Moynihan Courthouse in New York City.

• **Nationwide Rent Validation.** The success of the rent bill review in New York prompted formation of a team of court and Administrative Office employees. It is developing plans to implement a nationwide Judiciary rent validation program. Nationwide rent validation will entail verifying the accuracy of the rent bill for each court facility, challenging the rental rates where applicable, and educating court employees in monitoring any future changes to GSA rent bills and space assignments.

• **Rent Relief.** To seek relief from mandatory rent payments to GSA, which have consumed 22 percent of the Judiciary's salaries and expenses budget, the Administrative Office Director and the Committee on Security and Facilities launched several efforts to contain rent costs. In December 2004, a request was sent to the GSA Administrator seeking a \$483 million reduction in the current fiscal year rent bill of \$924 million. The objective of this effort was to pay only for the actual costs of operation and maintenance of the courts, since the costs of the land and buildings had already been paid. This request was followed by a protest about another aspect of GSA's rental policy, which requires federal agencies to pay the equivalent of state and local taxes.

GSA refused both requests, despite a meeting of the Judiciary with the Office of Management and Budget to urge the Administration to grant rent relief, and strong support from Senator Specter and 10 other senior members of the Senate Judiciary Committee. GSA has granted such relief to the Congress and the

executive branch, which pay less than one percent of their budgets for rent. At least 14 Executive Branch agencies enjoy rent exemptions, while rent relief is denied to the Judiciary.

As another approach, the Committee on Security and Facilities recommended that the Judicial Conference reaffirm its support for legislation to establish independent real property authority for the Judiciary, separate from GSA, a position originally adopted in 1989. The Conference recommitted the matter to the Committee on Space and Facilities so that it may develop and submit in consultation with the Judicial Conference Committee on the Budget, an implementation plan for consideration in 2006. Director Mecham sent a proposed \$500 million rent relief to Congress in October. It is expected that the Senate will consider a rent veto bill for the Judiciary soon.

Court Security Initiatives

The Administrative Office was engaged in two major court security initiatives during fiscal year 2005.

Federal Protective Service Cost Reduction.

Since 1999, the cost of security services provided by the Federal Protective Service (FPS) to the Judiciary has risen by an average of 25 percent each year. Absent any action by the Judiciary, bills for FPS contract guard services were projected to increase to \$79 million in 2005, from \$19 million in 1999. When Congress provided \$21 million less than the amount requested for these services in 2005, the Administrative Office and the Committee on Security and Facilities pursued reducing or eliminating FPS contract guard services at federal court facilities. In January and May 2005, all chief judges were notified of the immediate need to reduce or eliminate redundant services and provided guidance on making those cuts. Staff continued to work with the courts and the FPS to ensure reductions occurred. These final cost-reduction efforts were successful, with final FPS bills coming in at \$65 million.

“In December 2004, a request was sent to the GSA Administrator seeking a \$483 million reduction in the current fiscal year rent bill of \$924 million.”

Off-Site Security and Home Intrusion Detection Systems. The murders of Judge Joan Lefkow’s husband and mother underscored the importance of reviewing off-site security for federal judges and their families. As emphasized by a March 2005 resolution of the Judicial Conference and its subsequent supplemental security request to the President and Congress, this review of off-site security would involve the Department of Justice, U.S. Marshals Service (USMS), and the Administrative Office.

In May 2005, the President signed P.L. No. 109-13, the FY 2005 Iraqi War and Tsunami Relief Emergency Supplemental Appropriations Bill, which provided \$11.9 million in fiscal year 2005 to the USMS for increased judicial security outside of courthouse facilities, including home intrusion detection systems for federal judges. The appropriations language provided that, “In coordination with the Administrative Office of the United States Courts, the USMS shall submit a spending plan to the Committees on Appropriations prior to the obligation of any of these funds.” On September 23, 2005, the

“Staff are working with the new Judicial Conference Committee on Judicial Security and the USMS to implement the Home Intrusion Detection System Program for all federal judges and their families.”

Department of Justice submitted to Congress a proposed financial plan that included \$8.5 of the \$11.9 million for home intrusion detection systems for judges. The USMS awarded a national vendor contract in

December. The USMS plans to begin installation of systems in January 2006. Late in 2005, AO staff and Committee members were successful in obtaining a commitment from the USMS to pay for the monitoring and maintenance fees in fiscal year 2006. The funding for those fees had been a major impediment to program implementation. The Judiciary contended that the systems must be monitored, and that the supplemental funding should pay for that service, as well as maintenance, and that both were part of the USMS’s statutory responsibility for judicial security. AO staff and the new Judicial Conference Committee on Judicial Security have been working with the USMS to

implement the Home Intrusion Detection System Program for all federal judges and their families.

Emergency Preparedness

Emergency and continuity of operations plans (COOPs) are implemented in the courts according to Administrative Office guidelines that mirror those of the Federal Emergency Management Agency. Each court is responsible for planning for its continued operation in the event of a disaster or other interruption. The Administrative Office has recommended the designation of a senior executive in every court to coordinate and be responsible for developing appropriate procedures for emergency preparedness, and a COOP. Courts coordinate their planning activities with FEMA and local federal executive agencies. During the past year, several emergency preparedness training opportunities were announced to the courts. Nearly 200 court personnel attended the COOP Program Manager “Train-the Trainer” course at several FEMA sites nationwide and at the Administrative Office. All of the courts of appeals have participated in table-top exercises to test their COOPs.

Hurricanes Katrina and Rita had an immense impact on the operations of courts in Alabama, Florida, Louisiana, Mississippi, and Texas, although every court affected had fully prepared and tested its COOP plan. Throughout the 2005 hurricane season, 70 court units from Houston to Miami experienced some break in telecommunications. More than 1,500 court employees were affected by these hurricanes. The Administrative Office is continuing to coordinate the Judiciary’s response to the operational needs of those courts in areas such as procurement, space and facilities, information technology, travel, finance and budget, human resources, legal counsel and legislative affairs, court administration, and public affairs.

Off-Site Court Operations Support Center

The Court Operations Support Center (COSC) was established in the suburbs outside Washington, DC during the year, as authorized by Congress (P.L. No.108-7). GSA selected the location, which includes a data center housing critical systems software, hardware, and support



From left, Judge Jane Roth (3rd Cir.), chair of the Judicial Conference Committee on Security and Facilities; F. Joseph Moravec, Commissioner of GSA's Public Buildings Service; and Administrative Office Director Leonidas Ralph Mecham testified at the June House hearing on rent relief for the Judiciary.



Judge Joan Humphrey Lefkow pressed for increased security for judges when she appeared before the Senate Judiciary Committee in May. She said that ". . . as I replay in my mind the events that led to our tragedy, I believe that several things might have prevented it and could prevent it from happening to even one more of our judges."

staff; disbursing operations and critical financial systems support; a court personnel and payroll operations team; office space, conference and training rooms, a communications center, and a telework center. The disbursing office issues approximately 130,000 U.S. Treasury checks annually to panel attorneys from the Criminal Justice Act Panel Attorney System. The COSC will ensure that key administrative and technical support to the courts continue uninterrupted in the event the Thurgood Marshall Federal Judiciary Building in Washington, DC is rendered inaccessible.

Emergency Communications Program

During 2005, the Administrative Office provided emergency team members with communications equipment for daily business use and in support of continuity of operations. Each team member now has a Blackberry device, which supports essential business requirements including e-mail and cellular calling, and other means of communicating during an emergency. An electronic address book application for the Blackberry has been developed, which provides AO emergency team users with team contact information, so that each team member can be reached when necessary. Emergency laptop systems also have been distributed, to enable essential personnel to access the Judiciary's Data Communications Network and their vital data files. Essential personnel have also received satellite telephones for both work and home locations. ■

TECHNOLOGY



Case Management/Electronic Case Files (CM/ECF)

The Case Management/Electronic Case Files (CM/ECF) system neared full nationwide implementation in FY 2005. CM/ECF is the product of the largest system development and implementation effort ever undertaken by the courts and the Administrative Office, and it has a greater impact on court operations and management than any other system. By September, 170 courts were using CM/ECF for their daily operations and 27 more were adopting it.

CM/ECF is used by the court, the bar, and the public to meet most of their filing, docketing, reporting, noticing, document management, and other case management needs. It enables attorneys to file their documents electronically via the Internet. And, the Public Access to Court Electronic Records (PACER) feature of the system provides all users with easy Internet access to those documents and other case information. To date, nearly 200,000 attorneys have filed electronically using CM/ECF, and those electronic filings, along with the resulting electronic case files, have provided substantial benefit to the courts. The system is currently used in 87 bankruptcy courts, 81 district courts, the Court of International Trade and the Court of Federal Claims. It will soon be made available to the appellate courts, and virtually all federal courts will be using CM/ECF by the end of 2006.

Many accomplishments and milestones were achieved during the past year. Some of the more significant CM/ECF accomplishments include:

Continued expansion and usage. During the past year, 42 more courts completed their implementation; monthly docket entries increased from 3.5 million to 4.5 million; and 60,000 more attorneys began filing electronically. Attorneys are now making 50 percent or more of the docket entries in many courts, and automatically opening more than 90 percent of the cases in many bankruptcy courts.

In addition, more courts began using the system's MJSTAR feature, which eliminates the need to prepare and file monthly JS 43 magistrate judge statistical reports. And increasing numbers of petitioners and attorneys paid their filing fees by credit card as part of their Internet filing process. By the end of FY 2005, AO staff were helping the courts support that payment capability in 71 bankruptcy courts and seven district courts.

System enhancements. The AO continued work with the courts in the ongoing effort to support and enhance CM/ECF so that it can deliver maximum benefits to the courts. The AO managed the regular meetings, conference calls and other communication channels through which the courts request and prioritize system enhancements. Those communication processes guided a number of significant software enhancements that were made during the past year.

One major accomplishment was the successful completion of an intensive, high-priority effort to meet the requirements of the new Bankruptcy Act. That effort developed and implemented a special CM/ECF Bankruptcy release, on short notice, in time to meet the Act's October 2005 deadline. That release included, among other criti-

cal enhancements, a sophisticated real-time interface with the Bankruptcy Noticing Center that enables a creditor to specify a preferred address to be used nationwide for all its bankruptcy notices.

The District product was enhanced to include many new features, including the ability for attorneys to electronically open new cases and to pay filing fees by credit card. Other enhancements included a new *Monthly Trials Report*, which in a number of courts has already replaced the *Statistics Electronic Form* previously used for reporting district judge statistics.

The Appellate CM/ECF system reached a major milestone with the release of Version 1.0 to the 10 courts of appeals currently implementing the system. That release allowed the courts to not only conduct extensive testing but also begin preparations to convert the case management data from their old systems and to develop their local reports, forms, and event dictionaries. Later in the year, the AO held an implementation workshop for staff from those courts and also released an enhanced Version 1.1.

In addition, great progress was made during the past year in transitioning the courts' CM/ECF servers to the Linux operating system—the Judiciary's new standard. That transition was completed in 56 courts, keeping the effort on target to have nearly all courts running Linux by late 2006.

Process improvements. The AO hosted CM/ECF user conferences where court staff attendees met to exchange ideas on the system, court operations, and best practices. AO staff also participated in a circuit court conference where attendees from the appellate court and the trial courts discussed how CM/ECF will impact their processes for accessing case information for appeals. And, AO staff worked with court representatives to develop CM/ECF Model Rules of Appellate Procedure, which the Judicial Conference unanimously approved in September.

Training and documentation. The *CM/ECF Chambers Handbook* was updated and posted to the J-Net, and monthly articles on "CM/ECF Tips for Judges and Chambers Staff" were published in the *Federal Court Management Report* Newslet-

ter. Administrative Office staff also began developing a series of computer-based training modules to assist judges, chamber staff, and other court personnel with the transition to the new CM/ECF *Monthly Trials Report* and MJSTAR report.

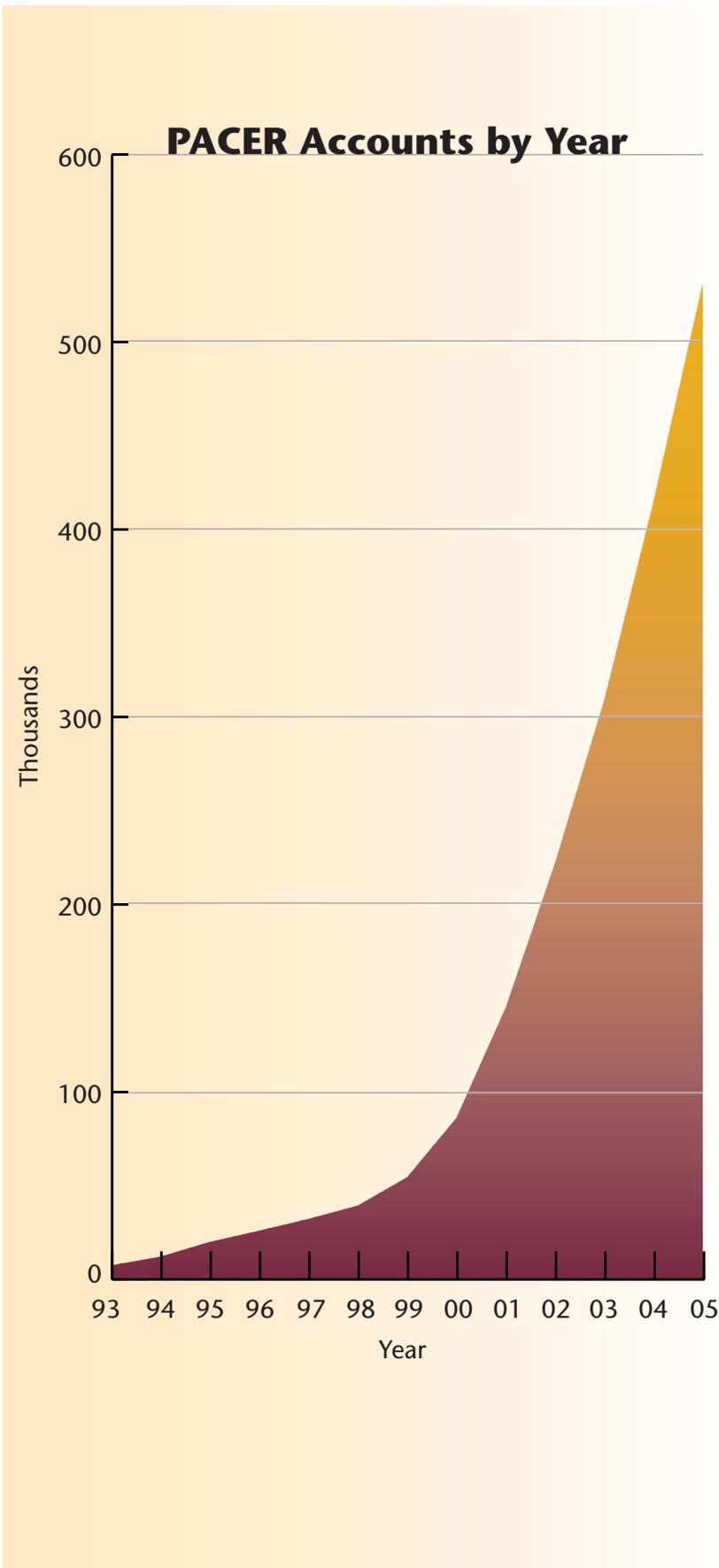
Electronic Public Access Program

The Electronic Public Access (EPA) Program facilitates and improves electronic public access to court information, in accordance with legislative and Judiciary policies, security requirements, and user demands. The EPA Program, as mandated by Congress, is funded entirely through user fees, set at a reasonable rate. The program generated approximately \$45.5 million for the Judiciary in FY 2005. A significant portion of this revenue funds the development, implementation, and operating costs of the Case Management/Electronic Case Files (CM/ECF) system.

The Judiciary's PACER system is the predominate method for the Judiciary to provide public access to court case records. PACER offers an inexpensive, easy-to-use alternative for obtaining case information without having to visit the courthouse. PACER allows an Internet user to request information about a particular case or party. The data is immediately available for printing or downloading. The PACER Service Center provides the public and the Judiciary with centralized registration, billing, and technical support services.

Significant EPA Program Activities in FY 2005 included:

- **Increased User Demand.** The EPA program reached a new milestone in PACER registrations in September—there are now over 500,000 user accounts. PACER Service Center staff responded to more than 120,000 telephone and 30,000 email support requests.
- **Improved Operations and Cost-containment.** The PACER Service Center outsourced the printing and mailing of statements and delinquency letters. This change improves the service of these functions and at the same time frees staff to respond to the ever increasing number of PACER users and court staff on the EPA fee exemption policy.



- **Improved Communications.** Information on the PACER J-Net web site was expanded to provide guidance for judges and court staff on EPA Fee Exemption policy.
- **Internal Controls** were developed for courts on the appropriate application of EPA fee exemptions; use of the Public Access Network (PACER-Net); and the use and protection of EPA assets—password protection, software patches and system updates.
- **New Services.** In response to requests from the public, functionality was added to the U.S. Party/Case Index which allows a customer to search the database by using the last four digits of the Social Security Number (SSN) when combined with at least three characters of the last name. Previously, the complete SSN was required. The search functionality at the individual PACER and CM/ECF sites has not changed.
- **Security.** The EPA Program Office conducted two security posture assessments of the PACER-Net. These assessments assist the AO and the courts by maintaining the security of the Judiciary’s public access systems.
- **Department of Justice.** The Administrative Office renewed an interagency agreement with the Department of Justice. Per the agreement, the AO bills the Department an annual subscription amount based upon its actual PACER usage for the 12-month period from July 1 through June 30 of the preceding fiscal year.

Electronic Access to Court Transcripts

In September 2003, the Judicial Conference adopted a policy, on the recommendation of the Committee on Court Administration and Case Management, that required courts making documents electronically available through PACER, by remote access, also to make prepared transcripts of court proceedings available electronically, with redaction of certain personal identifying information. The Conference deferred implementation of the policy until it could consider a report of the Committee on Judicial Resources regarding impact of the policy on court reporter

compensation. The Conference also authorized a pilot project to provide data for such a report.

Five district courts volunteered to participate in this pilot: the Southern District of Alabama; the District of Kansas; the District of Maine; the Eastern District of Missouri; and the District of Nebraska. These courts followed the September 2003 policy on electronic transcripts, and the court reporters in these districts submitted data to the Administrative Office regarding transcript original and copy sales, which were compared with historical data for the same court reporters.

Administrative Office staff prepared a report for the consideration of the two Judicial Conference committees at their June 2005 meetings, which provided an analysis of the data from the pilot courts. Administrative Office staff also assisted the Committee on Court Administration and Case Management in assessing options for addressing any potential loss in income for court reporters. After consideration of the report on court reporter compensation from the committees, the Judicial Conference approved taking the next steps necessary for implementation of the policy, which includes seeking legislative changes. The Conference also approved a pilot study to examine the impact of the policy on the defender services program.

Civil/Criminal Accounting Module

Nine courts successfully implemented the civil/criminal accounting module (CCAM) during FY 2005. Based on the lessons learned and best practices identified during beta court testing, the implementation strategy was refined for use throughout the Judiciary. The project team determined that web conferencing tools would help reduce travel costs associated with project meetings. Following the Information Technology Committee concurrence in December, full deployment began.

The project team also reviewed the Cash Register/Electronic Case Filing system developed locally by the U.S. Bankruptcy Court for the Southern District of California, and endorsed it as an interim solution to support the cash receipting requirements of the bankruptcy courts until the AO can develop a permanent solution. The project team continued working with the Executive Office of the U.S. Attorney to explore ways to exchange

criminal debt information and improve collection efforts.

Expanded Use of Electronic Funds Transfer (EFT) for Payments

The EFT process was expanded in fiscal year 2005 to include payments to vendors. The expansion of EFT included notification to more than 3,000 vendors entering banking information and making systems modifications to the Central Accounting System (CAS). The implementation of EFT payments has resulted in administrative and operational savings; now that vendor payments are included in EFT, approximately 240 checks per month are cut instead of 1500. Few U.S. Treasury checks are issued daily out of the CAS and staff are working diligently to eliminate those checks altogether.

Change to the Central Accounting System to Momentum

The implementation of the CAS to Momentum project was officially kicked off in fiscal year 2005. This project will replace the antiquated mainframe CAS system with the same financial system used by the courts. The project is moving through the Information Resource Management process and the anticipated implementation date is October 2006.

Statistical Reporting

New Initiatives. The Administrative Office analyzed the impact of the U.S. Supreme Court's decisions in *Blakely v. Washington*, 124 S.Ct. 2531 (2004), and in the consolidated cases of *United States v. Booker* and *United States v. Fanfan*, 125 S.Ct. 738 (2005). These decisions may account for the filing of nearly 9,000 cases in the federal courts this fiscal year as inmates asked the appellate and district courts to reconsider their sentences. They did so in light of the Supreme Court's finding that an enhanced sentence based on facts neither admitted by the defendant nor found by a jury violates the defendant's Sixth Amendment right to a jury trial. In FY 2005, criminal appeals rose 28 percent to 16,060; the number of second or successive habeas corpus motions filed in the courts of appeals jumped 42 percent to 3,617;

petitions for motions to vacate sentence under 28 U.S.C. §2255 grew 41 percent in the courts of appeals to 3,709; and prisoner petitions filed in the U.S. district courts climbed 15 percent as motions to vacate sentence increased 45 percent to 10,361. *Booker/Fanfan* was decided in January 2005. Pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. No. 104-518), federal prisoners have one year from that date to file motions to vacate sentence based on *Booker/Fanfan*.

Timely Access to Statistics. The New Streamline Timely Access to Statistics (NewSTATS) project will provide the federal Judiciary with a modern, flexible relational database that will permit the Administrative Office and authorized chambers and court personnel to better use federal caseload statistics. NewSTATS will make it easier to analyze data to produce reports and tables and to conduct the related research necessary to meet varied needs.

“For the third consecutive year, the Judicial Conference Committee on Information Technology awarded grants to individual court units for the development and implementation of local technological innovations to share with other court units.”

In addition to enhancing existing capabilities to address customer requirements, NewSTATS will facilitate use of data for strategic planning purposes and will provide decision makers and managers a robust platform for adapting more quickly to future tasks and responsibilities.

The NewSTATS project is being implemented in phases with the initial release scheduled for fall 2006. Currently, the hardware and software environment is already in place, with the design for Version 1, including civil case data and statistics associated with the Civil Justice Reform Act, moving toward completion. Additionally, the AO plans to have the system available to collect the new data required by the 2005 bankruptcy legislation.

Payroll Staffing and Information System

The new Payroll Staffing and Information System (PSIS), which will be fully deployed in fiscal year 2006, will allow accounting and budget staff easy access to detailed payroll data. This system will improve and expedite

the reconciliation of payroll information from the Human Resources Management Information System to the Central Accounting System.

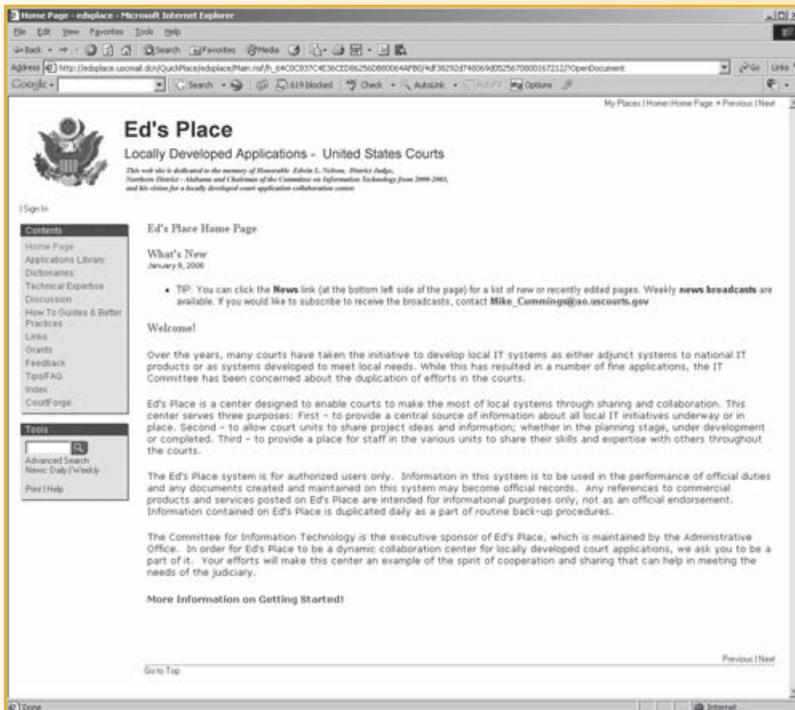
Information Technology Grants Program

For the third consecutive year, the Judicial Conference Committee on Information Technology awarded grants to individual court units for the development and implementation of local technological innovations to share with other court units. During 2005, the number of grant applications for the upcoming year more than doubled to 25. To handle the increased volume of grant applications, staff have used web-conferencing tools to review grant applications quickly and efficiently with geographically-disbursed members of the Technology and Facilities Advisory Council and Committee on Information Technology.

The IT Grants Program is one of three components of the Edwin L. Nelson Local Initiatives Program that was established in 2003. The other two components are “Ed’s Place,” a national clearinghouse web site managed by the AO, designed to showcase locally developed applications and to foster local court collaboration and training opportunities. During 2005, Ed’s Place became increasingly popular with courts and now has nearly 150 local court applications posted for sharing. During the year, staff continued to upgrade Ed’s Place for performance and sharing capabilities for users.

Server Aggregation Initiative

Major progress was realized in 2005 with an initiative to develop a more cost-effective IT service delivery model. Previously, as national systems were deployed, court units were provided with local servers to run each new system. Each of these servers has required software, cyclical replacement, and staff. Although this decentralized service delivery model—geographically dispersed servers and support—worked well, industry trends are changing. Cost-effective alternatives to this decentralized service are being explored for the probation and pretrial case tracking system (PACTS), the accounting system (FAS₄T), and the e-mail system (Lotus Notes) to determine if cost savings can be realized without compromising performance levels.



Federal courts continued to share local technology solutions through a national clearinghouse web site managed by the AO that by year's end featured 150 local applications.



P.L. No. 108-7 authorized the Court Operations Support Center, now located in suburban Washington, D. C.

Server aggregation completed for federal defender organizations (FDOs) in June helped save approximately \$400,000 in initial costs, and will help avoid future costs for duplicative equipment, software, and support. The FDO e-mail is supported by 18 servers at the two gateway locations in Reston, Virginia, and Lee's Summit, Missouri, rather than by individual servers at each FDO location.

IT Security

In 2001, the Executive Committee of the Judicial Conference placed restrictions on the Administrative Office's use of certain national network management and security tools because of privacy concerns. The Judicial Conference Committee on Information Technology was charged with reviewing the security of Judiciary networks and proposing policies for improving security while protecting privacy. As a result, a National Security Agency analysis of key elements of Judiciary network security outlined eight recommendations focusing on nationwide security and privacy policies governing the Judiciary's internal data communications network, as well as local area networks maintained by individual court units. The final report and recommendations of the committee received Judicial Conference approval in September 2005. The Committee on Information Technology was charged with overseeing implementation of the report recommendations.

Court Telecommunications Services

The Judiciary's long distance telephone service is managed centrally by AO staff through a GSA contract. The contract also covers other important services such as data services for nationwide network connectivity and special services such as calling cards and emergency message services. The current contract expires in 2007. In 2005, AO staff began taking steps to manage the transition to the new contract with a minimum of disruption to the courts. The first step included a request from the courts for verification of an inventory of voice services including phone lines, calling cards, and toll-free services. This information will be used to issue orders under the new contract when it comes time to implement the transition plan. In addition,

tion to the inventory, material is available on the J-Net for use by court telephone coordinators as they prepare for the transition to the new contract.

Local IT Committee Profile

Many courts have created local IT committees to facilitate communications and to provide a forum for discussion of IT requirements, priorities, and related issues. In 2005, AO staff developed a new tool on the J-Net to allow court units to post and share information about their local IT committees with others in the Judiciary. Each court unit's "profile" is available for others to see and to share. By maintaining a centralized list of local IT committees including points of contact and related information, communication and the sharing of information can be enhanced. Use of a centralized list also will provide another means to facilitate dissemination of IT-related information to the courts and to receive input from the court community on IT-related issues. By the end of 2005, nearly 100 court units had posted profiles on the new site.

Agreement to Provide Adobe Acrobat Software Support

Over the past several years, the AO has been able to provide the courts with several tools to save money through volume purchases or blanket software agreements. These include purchases for word processing software, anti-virus software, network management software, and Internet filtering software.

AO staff began administering a new multi-year contract in 2005 to provide the courts with 14,000 Adobe Acrobat licenses. If purchased individually by the courts, the cost would be more than double the cost per license negotiated in the new contract. This represents significant cost savings to the Judiciary and provides courts with the expanded capabilities available in the latest Acrobat software versions. Annual maintenance is included in the software agreement, allowing courts to receive the latest upgrades and help desk services.

Staff Award

The GSA selected a team of AO staff and contractors for a technical excellence award in late 2005. The award, from GSA's Federal Technol-

ogy Service was for innovative use of technology services. It was presented to the AO, along with teams from other government agencies at a GSA technical conference in August. The award recognized work done during the past year to develop and implement a number of initiatives to improve the capacity and reliability of internal networks to support business applications. Initiatives included upgrading more than 700 routers, quickly adding new capacity to meet new demands, optimizing the network for improved performance, and responding to several natural disasters.

Telework

In keeping with reporting requirements of P.L. No. 108-447, the Judiciary certified that telecommuting opportunities are made available to 100 percent of the eligible workforce and provided related data on participation. Quarterly status reports also were submitted as required. As evidenced by the steady progress in telework participation, the Judiciary has demonstrated its ongoing commitment to effective telework programs throughout the courts, federal public defender organizations, and Judiciary agencies. ■

MANAGEMENT PRACTICES IMPROVEMENTS AND INNOVATIONS



Long-Term Cost-Containment Strategy

Throughout 2005, Administrative Office staff have supported the Conference Executive Committee and the Judicial Conference committees in applying long-term cost-containment initiatives to business practices. A steering group of senior AO executives met regularly to monitor progress. The AO has updated its long-range budget estimates to include the impact of cost-containment initiatives already implemented, as well as the impact of fiscal year 2005 and fiscal year 2006 appropriations received from Congress.

Supporting the Judiciary's cost-containment efforts is a top priority of the Administrative Office, along with a high priority effort to seek adequate funding from Congress. In 2005, the Judiciary made progress in implementing its *Cost-Containment Strategy for the Federal Judiciary: 2005 and Beyond*, which was approved by the Judicial Conference in September 2004. Cost-containment measures implemented to date have reduced budget requirements by over \$80 million in the Judiciary's FY 2007 budget request. The cost-containment strategy includes six broad categories of initiatives related to space and facilities cost control, workforce efficiency, review of compensation costs, the effective use of technology, program changes, and adjustments to fees.

The committees of the Judicial Conference have continued to lead the implementation of cost-containment initiatives. The Executive Committee developed the strategy and has guided its use, and the Economy Subcommittee of the Budget Committee has actively moni-

tored the progress of individual initiatives. Most of the work, however, has taken place at the level of the Judicial Conference committees and their staffs working with court advisory groups.

To date, initiatives that have already yielded savings include moratoria on space projects, reductions to probation and pretrial services work requirements, and productivity adjustments to court staffing formulas. Highlights of these measures follow, and are described further throughout this report.

AO Cost-Containment

The Administrative Office will continue to implement internal cost-control measures. Spending restrictions have been equal to or greater than restrictions in the courts. The Administrative Office's share of the Judiciary's appropriation has dropped from 2.8 percent in 1985 to 1.2 percent in 2005. All AO operations, projects, and functions have been examined to identify cost reductions.

Total Administrative Office staffing has not increased since 1995, while court staffing increased 19 percent. Vacancies are carefully managed to contain costs. For the past two years, the AO held open approximately 100 positions, or 10 percent of its total staff. Early-out retirements were offered to eligible employees in 2004 and 2005 to further reduce staffing costs.

During fiscal year 2005, cost-containment efforts and spending restrictions in effect during fiscal year 2004 were continued. All offices were required to operate at reduced staffing levels, and to scrutinize and fully justify requests to fill vacancies. Only limited travel and training

COST-CONTAINMENT

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were allowed, and orders for all other contracts, services, supplies, and equipment were kept to those essential to basic operations, and to supporting Judicial Conference committees, continuing court operations, and implementation of information technology projects previously approved.

Long-Range Planning Process

Chairs of Judicial Conference committees and members of the Executive Committee discussed strategic issues at planning meetings held in March and September. The meetings were led by the Executive Committee's planning coordinator, Chief Judge Michael Boudin. The discussions focused on broad trends and issues that cut across committee lines affecting the work, resources, and operation of the courts.

In light of long-range projections indicating a growing gap between needed funds and estimated available funds, the coordination of cost-containment initiatives has been a planning priority.

Government Accountability Office Studies

The GAO examines Judiciary operations and programs at the request of Congress. As the Judiciary's liaison to the GAO, the Administrative Office coordinates with Judicial Conference committees and the courts to respond to GAO's requests for information, and to review and comment on GAO draft reports. In fiscal year 2005, the Administrative Office was involved in 15 GAO studies. The most noteworthy of these studies involved the cost of courthouse construction projects; the Judiciary's ongoing proposal for rent relief; criminal debt collection; the Judicial Survivors Annuities System; and reporting on non-citizens identified during the juror qualifying process to voter registration officials.

Audits and Program Reviews

The Administrative Office conducts financial audits, program audits, reviews, assessments, and evaluations to promote effectiveness, efficiency, and economy in both AO and court operations. A comprehensive program of financial audits covering all court units is conducted on a four-year cycle for most courts, and on a 30-month cycle for larger courts. In 2005, the Administra-

tive Office performed or contracted for 60 cyclical financial audits of the courts and 47 other financial audits, including Chapter 7 trustees, Criminal Justice Act grantees, and special audits such as audits to follow up on prior reviews, when there is a change of clerk, or when an audit of particular financial activities is requested by a court.

The Administrative Office continues to implement the analytical software program to its audit program for procurement, accountable property, travel, and payroll certification. Using the software streamlines the audit process, as it helps auditors perform significant work before visiting the courts.

Each year, onsite reviews of various kinds are conducted in the courts. Some offices have a comprehensive cyclical program of reviews. In other cases, reviews are done primarily at the request of individual court managers or chief judges for areas including jury administration; court reporting; clerk's office operations and management; human resources management; property management; procurement; and information technology operations, management and security. During fiscal year 2005 due to budget constraints, fewer reviews than usual were conducted, involving four district courts, eight bankruptcy courts, 21 federal defender organizations, and three probation and four pretrial services offices.

Process Redesign and Work Measurement Programs

Last year, the Judicial Conference approved the Process Redesign and Work Measurement Programs as part of the Judiciary's overall cost-containment strategy. As added impetus for these actions, the staffing formulas for district and bankruptcy clerks' offices needed to be updated to take into account the implementation of CM/ECF. By redesigning work flows to be more efficient, fewer resources may be required to perform the current work. The AO partnered with the courts to form work teams to review and re-engineer work processes. New staffing formulas will be proposed to Judicial Conference committees in summer 2006, and may be used for the FY 2007 budget allocation cycle.

The initial focus is on the district and bankruptcy courts, with plans to extend that fo-

cus to the appellate courts, once they are close to completing CM/ECF implementation.

Methods Analysis Program

Best practices for court operations are again being reviewed through the methods analysis program (MAP), which was reinstated at the request of the Judicial Conference Committee on Judicial Resources. Court managers and staff comprise bankruptcy and district MAP working groups to identify more effective operational practices to make best use of limited resources. The Judiciary's intranet site, the J-Net, now features recommendations of the Bankruptcy MAP that all bankruptcy courts may adapt for local efficiencies. The Bankruptcy MAP now is focused on developing guidance related to the Bankruptcy Reform Act.

The District MAP working group identified best practices for several areas of criminal case processing in district clerks' offices: motions to vacate, set aside, or correct sentences pursuant to 28 USC § 2255; criminal case opening; judgement and commitment orders; and inter-district transfers. These best practices can be viewed on the Judiciary's intranet site. Modifications to CM/ECF software resulting from group recommendations will be implemented in Version 3.0. A new district MAP working group will review civil case processing next year.

Study on Alternatives for Providing Administrative Services Completed

The Study on Administrative Services has been completed. It was undertaken by the Administrative Office in 2003 in response to requests from the Judicial Conference's Budget and Judicial Resources committees. Goals of the study were to assess the efficiency and effectiveness of current federal court administrative service delivery systems and to recommend cost-effective alternatives based on an examination of how services are delivered in both the public and private sectors. The study focused on eight administrative areas: human resources; training; finance; budget; information technology; contracts and procurement; property management; and space and facilities. The study was conducted by an IBM team (made up of representatives from IBM,

the Urban Institute, and the National Center for State Courts). The AO received the final report in September 2005, following a draft that was circulated Judiciary-wide for comments.

The report analyzes the current costs and resources devoted to providing administrative services and presents a number of alternatives for the Judiciary to consider to save costs. Various committees of the Judicial Conference will consider the policy implications raised by the report's findings and by subsequent court comments, and will discuss options for further action.

Identification of New Certifying Officers and Training

Over the past several years, the AO Director has designated certifying officers in appellate, district, and bankruptcy courts with the concurrence of the respective chief judges for those courts, in keeping with statutory authority and Judicial Conference policy.

With the appointment of additional certifying officers in each court unit, accountability will be fixed appropriately, redundant efforts and duplicated paper will be eliminated, and increased efficiencies will become possible. Feedback received from the courts that have already implemented certifying officers confirm these benefits. A mandatory two-day training program is a key component of the implementation. Educating a significant portion of the Judiciary in the principles of appropriations law has been a valuable byproduct of this program. At the close of fiscal year 2005, 88 districts and 10 circuits have implemented the certifying officer legislation.

Bankruptcy Administrator Program

The Bankruptcy Administrator (BA) offices in the six judicial districts of North Carolina and Alabama oversee the administration of bankruptcy cases, maintain a panel of private trustees, and monitor the transactions and con-

“In light of long-range projections indicating a growing gap between needed funds and estimated available funds, the coordination of cost-containment initiatives has been a planning priority.”

duct of parties in bankruptcy. During the past year the BA program saw 84,801 new cases filed, and collected fees that supplemented the Judiciary's general operating fund by \$2,315,068.

The Administrative Office and the Federal Judicial Center jointly sponsored a workshop that provided an opportunity for BAs and staff to discuss their important responsibilities in implementing the requirements of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, and to share up-to-date information and practices.

The Bankruptcy Administrator Case Management System (BACMS), which is entering the design and development phase, will provide the BAs with an automated tool that combines information from various automated and manual entry inputs in a single repository segmented by BA district. BACMS will then support various automated

tools through which both customized and standardized reports and forms can be produced. BACMS will reduce the amount of time and effort needed to acquire case data as well as support quality assurance and BA office auditing functions.

“With the appointment of additional certifying officers in each court unit, accountability will be fixed appropriately, redundant efforts and duplicated paper will be eliminated, and increased efficiencies will become possible.”

Bankruptcy Noticing Center

In FY 2005 the Bankruptcy Noticing Center (BNC) produced and mailed approximately 140 million bankruptcy notices, an increase of nearly 8 percent over the previous year. Under a contract managed by the Administrative Office, the BNC electronically retrieves data from participating courts' case management systems and automates the printing, addressing, batching, and mailing process. The center is able to generate notices at a fraction of the time and cost that would be required if produced by local courts. Since the program's inception in 1993, it has saved the Judiciary over \$36 million and has improved service. Additional savings in postage are expected through internal cost control initiatives and other program enhancements made possible by recent federal bankruptcy rule and statutory changes.

Electronic Bankruptcy Noticing

The Electronic Bankruptcy Noticing program provides an innovative approach to bankruptcy noticing. It eliminates the production and mailing of traditional paper notices, and associated postage costs, while speeding public service. Available options include Internet e-mail and fax services, and Electronic Data Interchange for large volume notice recipients. In FY 2005, program use continued to increase over the previous fiscal years. Approximately 15 million notices were sent electronically, compared to 10 million transmitted the prior year. By the end of the FY 2005, over 12 percent of all notices sent through the Bankruptcy Noticing Center each day were being sent electronically. Participation in the electronic noticing program by creditors or other recipients is voluntary. Additional program growth is expected in the future through administrative and rules-based initiatives.

Juror Utilization

The federal Judiciary continued to improve juror management practices, and was able to sustain the trend from 2004 of decreasing the percentage of jurors reporting for jury service but not selected, serving or challenged (NSSC). The NSSC rate declined to 36.6 percent for the 12 months ended June 30, 2005, down from 37.7 percent for the 12 months ended June 30, 2004, and a peak of 40 percent for fiscal year 2003. These efforts have resulted in savings of approximately \$425,000 and more than 5,800 potential jurors avoiding unnecessary trips to the courthouse. The Judicial Conference and the Administrative Office have made efficient juror utilization a high priority, and will continue to encourage courts to review their juror management practices to make better use of jurors.

Jury Management System

The Jury Management System (JMS) has been installed in 88 courts; three additional courts have requested that the JMS be installed in fiscal year 2006. In the coming year, the JMS will migrate from Solaris to a Linux operating system, utilizing the District CM/ECF Linux servers to host the local court's JMS database. Use of the District CM/ECF servers by JMS will save an estimated \$1.9 million the first year, \$4.5 mil-

lion after five years, and \$7.5 million after 10 years. A successful test of the Linux version of the JMS was completed in the Arizona Testing Center last year. A JMS Working Group has been reconstituted to review and prioritize remaining modification requests and to identify requirements for a national front-end web solution for completing qualification questionnaires online.

The JMS has proven to be an effective tool for juror management and juror utilization. In addition, the JMS has reduced the amount of staffing needed by the district courts to handle the petit jury function, saving approximately \$13.3 million per year. At the end of fiscal year 2005, the Judiciary will have recouped in savings almost the entire development, implementation, and operation and maintenance costs for the JMS.

Fees Review

In June 2005, the Judicial Conference Committee on Court Administration and Case Management (CACM) established a three-year time frame for the review of fees, when it modified its guiding principles. The revised principles reflect that fee increases may be needed to generate revenue and address budgetary shortfalls, but maintain that fees should not become excessive. So far, CACM fee proposals have resulted in an estimated \$80 million in increased annual revenue for the Judiciary.

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 2005, the CVB processed almost 400,000 citations and collected \$20 million in fines and forfeitures. The CVB fielded more than 250,000 telephone calls and e-mails from the public, courts, and law enforcement agencies.

During fiscal year 2005, the CVB implemented a \$25 processing fee for each violation notice issued, which will offset the cost of operating the CVB, as well as the cost to the courts to administer these violations. The CVB drafted

a new violation notice form and distributed the printing specifications to federal law enforcement agencies. With close CVB monitoring, the transition by the agencies is ongoing. Once fully implemented, the processing fee is expected to generate an estimated \$7.5 million in additional revenue for the Judiciary on an annual basis.

Customers can now pay fees to the CVB using an external web site launched this past year and hosted by pay.gov. With the site, the CVB can accept payments 24 hours a day, seven days a week.

Court Interpreting

In fiscal year 2005, there was a 1.5 percent increase in the number of events requiring the use of interpreters in the courts. District courts reported that they used interpreters in 227,461 events, compared to 223,996 events reported in fiscal year 2004. The number of languages requiring interpretation rose from 106 in 2004 to 111 in 2005. Spanish (214,355 events) remains the most used language for interpreters in the courts, accounting for 94 percent of all reported events followed by Mandarin (1,792 events). Other frequently used languages in fiscal year 2005 were Portuguese (1,361 events); Arabic (1,250 events); Vietnamese (863 events); Korean (796 events); Cantonese (745 events); Russian (610 events); French (417 events); and Foochow (409 events).

Interpreter Certification. In fiscal year 2005, two new versions of the oral examination were developed, validated, and administered, creating a total of four versions of the written examination and four versions of the oral examination. The creation of these new test versions increases security and test validity. In August 2005, 367 examinees took the oral examination. Of these, 81 passed the two-part examination and are now Federally Certified Court Interpreters, for a total of 1,032 interpreters certified since the certification program began in 1980. An empirical analysis of test performance results in relation to data from the background questionnaire each candidate must complete is being performed to determine the extent to which personal history and experience characteristics correlate with written test performance and with actual interpreting ability.

BANKRUPTCY ADMINISTRATOR PROGRAM

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CENTRAL VIOLATIONS BUREAU

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Contract Court Interpreter Services Terms and Conditions. In fiscal year 2005, the *Contract Court Interpreter Services Terms and Conditions* document was implemented under a delegation of procurement authority from the Director to chief judges. As a result of their work with the contracting documents, court staff and contract court interpreters are more familiar with the Court Interpreters Act, 28 U.S.C. § 1827, and defendants are more likely to receive interpreting services from certified or professionally qualified interpreters. Interpreters who provide service in different districts are finding more consistent standards; courts and interpreters are protected by having terms settled before service is provided; and the funds in the centralized contract court interpreter general authorization account are more effectively managed.

National Court Interpreter Database. The Court Interpreters Act requires the Administrative Office to maintain a current master list of all court interpreters. Prior to 1999, this list was maintained on paper. The National Court Interpreter Database (NCID) was made available on the J-Net in July 1999 to assist courts in locating court interpreters in a multitude of languages. The Administrative Office enters and updates all information on certified interpreters and the courts enter and update data for “otherwise qualified” interpreters used in the courts. For each of the listed interpreters, the NCID indicates the language(s) interpreted, the certified or other rating for each language, and address and contact information. At the end of fiscal year 2005, the database contained the names of 880 active certified interpreters and 1,869 “otherwise qualified” interpreters in 103 languages.

Background Checks. In fiscal year 2005, courts began requesting background checks on contract court interpreters, in accordance with the Judicial Conference policy and procedures determined by the Office of Human Resources. To save money and reduce effort, contract court interpreters who provide interpreter services in more than one district are fingerprinted once during a two-year period. The NCID has been upgraded to track FBI fingerprint check requests, so that all courts can easily determine whether a back-

ground check has been initiated or completed in another district. Background check reports are housed in a secure area of the NCID server so that they can be viewed only by the court unit executive and designated seconds-in-command in each court in order for those court officials to make a suitability determination.

Telephone Interpreting. The Telephone Interpreting Program (TIP) provides remote interpretation in short proceedings where certified or otherwise qualified court interpreters are not locally available. In fiscal year 2005, TIP services were used in over 3,600 events in 40 languages. Spanish was used for 91 percent of the telephone interpreting events. There were 33 user courts in fiscal year 2005, including services from the provider courts to outlying divisional office locations within the district. The number of provider courts has increased from four in FY 2004 to seven in FY 2005, including the Central District of California, District of New Mexico, Southern District of Florida, District of Columbia, Northern District of Illinois, District of Rhode Island, and Southern District of California. Staff interpreters handled 65 percent of the telephone interpreting proceedings, and 35 percent of the proceedings were handled by contract interpreters. It is estimated that \$1.1 million in travel and contract costs was saved as a result of the TIP program in fiscal year 2005, and \$3.6 million over the life of the program.

Implementation of Legal Research

The Administrative Office awarded contracts to West and LexisNexis for computer-assisted legal research (CALR) services. The new contracts were effective October 1, 2004 and may be renewed annually at the Judiciary’s option for up to 10 years, through FY 2014. These contracts were fully implemented during FY 2005.

The Westlaw and LexisNexis contracts provide unlimited access to all federal Judiciary users for a full range of legal, news/journals/business, and public records databases. The contracts guarantee uninterrupted availability of essential research services and significantly benefit the Judiciary by ensuring access to exclusive content on both Westlaw and LexisNexis.

With heightened security awareness in the federal Judiciary, a major focus has been on-line access to judges' personal information. Earlier this year, the Administrative Office directed both LexisNexis and West to remove judges' personal information from public information databases. Both vendors accomplished this during FY 2005. Administrative Office staff also worked with a major credit reporting agency to remove judges' personal information from its credit header. Work continues with the other two major credit reporting agencies to take similar action. These agencies are large resellers of public information records to other, third-party vendors.

Containing Law Book Costs

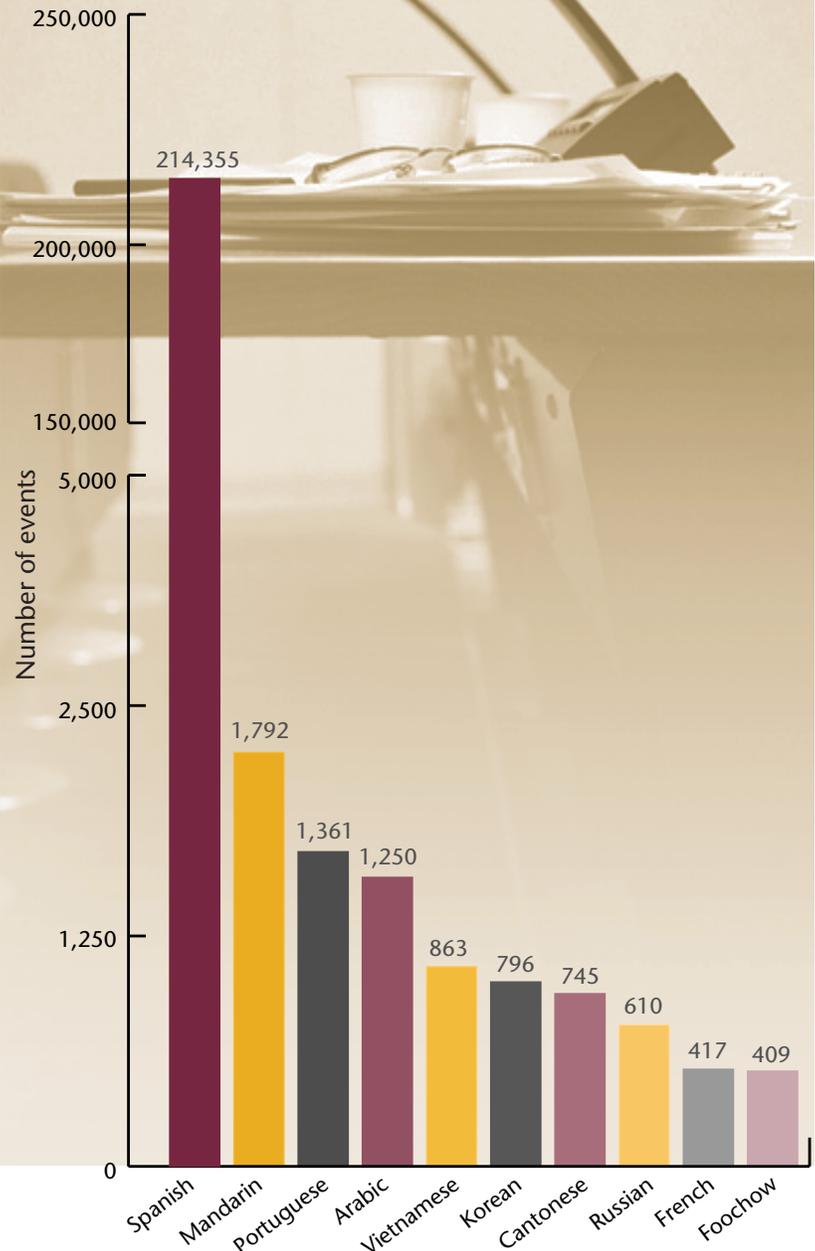
As one of the cost-containment initiatives approved by the Judicial Conference, Administrative Office staff have been working with the Judicial Conference Committee on Court Administration and Case Management to identify further lawbooks cost savings. The Committee distributed a nationwide questionnaire to all judges about individual use of print case reporters. Based on the survey results, the Committee determined that lawbooks remain an essential resource for many judges. However, given the environment of reduced budgets, the Committee adopted several recommendations encouraging judges to only maintain subscriptions to print case reporters deemed essential to chambers and to give serious consideration to chambers' needs for law journals, law reviews, and treatises. In September 2005, the Judicial Conference approved these recommendations.

Transition to New Omega Travel Management Center

Effective October 1, 2005, Omega World Travel was selected as the new vendor for the Judiciary-wide Travel Management Center. Based on prior years' contract usage, it is anticipated that the Judiciary will recognize a savings of approximately \$1 million annually for transaction fees related to the purchase of airline tickets. ■

Court Interpreting

Events Requiring Interpreters



WORKFORCE MANAGEMENT AND DEVELOPMENT



Judiciary Benefits

The Judiciary recognizes that competitive employee benefits help attract and retain a talented workforce to serve the courts. A strong commitment to offering benefits competitive with the private sector continues to enhance the Judiciary's appeal as a progressive employer. The Judiciary took the lead in establishing long-term care insurance in fall 1999, followed by the flexible benefits program in January 2000. Enrollment in both programs has exceeded industry norms.

In an area as dynamic as employee benefits, continuous reassessment is in order. The Administrative Office updated a 1998 benefits study that helped identify the need for the programs in place.

Two benefit gaps identified by the study—improved dental and vision benefits—were recently addressed by enactment of The Federal Employee Dental and Vision Benefits Enhancement Act of 2004 (P.L. No. 108-496). This law required the Office of Personnel Management (OPM) to issue a bid solicitation for health carriers to offer packages of vision and dental benefits. The OPM plans to make these new benefits available beginning January 2007.

Other benefits improvements for the Judiciary would require legislation, substantial funding, and commitment of new resources. The Judiciary is seeking legislative authority necessary to effect many of the recommendations in the study. That legislation has not yet been enacted. It was again transmitted by the Judicial Conference to Congress in June in a proposed "Federal Courts Improvement Act of 2005."

Flexible Benefit Program Grace Period. In July, the Director of the Administrative Office implemented a two-and-a-half-month grace period for the Health Care Reimbursement Account (HCRA) component of the federal Judiciary's Flexible Benefit Program. This means that, beginning with the 2005 plan year, HCRA participants can be reimbursed for any eligible health care expenses incurred as late as March 15, 2006, from funds set aside pretax from their salary during 2005. This change will benefit participants by helping them to avoid forfeiting contributions to their Health Care Reimbursement Accounts.

The Flexible Benefits Program allows employees to set aside salary on a pre-tax basis in special accounts that can be used to fund health care—including medical, dental, and vision—and dependent care, including childcare, expenses. Since the flexible benefits program was introduced more than five years ago, judges and court employees have saved over \$158 million. In 2005, there were 10,300 enrollments, or about 31 percent of the workforce, in the reimbursement accounts. Including tax savings from participation in the health benefits premium plan, judges and Judiciary employees increased their take home pay by nearly \$31 million through tax savings in 2005. On average, judges increased their take-home pay by \$2,715 and Judiciary employees increased theirs by \$2,285.

Long-Term Care Insurance Buy-Ups. Participants in the Federal Judiciary Long-Term Care Insurance Program had an opportunity in 2005 to purchase an additional amount of coverage on a guaranteed issue basis. CNA, the program's in-

surer, makes this buy-up opportunity available every three years for those participants who wish to upgrade their coverage to keep pace with inflation. Response to the offer was strong, with 37 percent of eligible participants electing to accept the offer.

Judiciary Voluntary Separation Incentive and Early Retirement Programs.

The Judiciary's ever-increasing technological advances coupled with cuts in Congressional funding are creating the need to reshape the Judiciary workforce. In fiscal year 2005, two voluntary buy-out and early retirement program periods resulted in 343 buyouts and 126 early retirements.

The Judicial Conference approved the extension of the buyout and early retirement programs through fiscal year 2009, to be implemented each year at the discretion of the AO Director. Unlike prior programs, non-chambers Judiciary Salary Plan employees may be eligible for the early retirement program; however, they will continue to be ineligible for the buyout program. Under the provisions of P.L. No. 107-296, the AO Director has the authority to approve buyout plans for court units. In August 2004, the Office of Personnel Management (OPM) approved the Judiciary's request to offer early retirement to employees of courts and federal public defender organizations throughout fiscal year 2006. Having this expanded authority from OPM permits more efficient and timely approval of courts' requests. Continued use of these management tools will help court offices restructure and realign positions and personnel needed to fulfill their mission.

Expanding HR Capabilities

The Judiciary is continuing to identify and implement additional functionality in its PeopleSoft-based Human Resources Management Information System (HRMIS). View access capability, fully implemented during fiscal year 2005, allows appropriate court staff to access and review employee data maintained in HRMIS. This capability permits court human resources personnel to answer many of the questions that would normally require person-to-person contact with AO staff. The courts have embraced this new capability and are eager for additional functional-

ity. On target for fiscal year 2006 is addition of the remote data entry feature. It will allow court personnel to submit personnel actions directly through the system and potentially will eliminate many of the paper documents currently being sent to the AO. Plans are also underway for a major upgrade of the PeopleSoft system, which will provide a solid foundation for future enhancements.

Training Court Employees

During last fiscal year, the management of the nationwide training function was restructured to incorporate training activity into existing program planning and budgeting processes. All training efforts can now be linked to the organization's mission or program objectives, and all resources and costs associated with training can be identified, reviewed, and reported. The National Training Spending Plan (NTSP), now supported by the Office of Finance and Budget, provides the budget baseline for each directorate's training plans. Centrally established contract vehicles are available for each directorate to plan, develop, and deliver training for court clients. Critical agency-wide training activities, such as distance learning, web-based training, training advisory services, and the virtual university continue to be managed centrally. Training staff and the Federal Judicial Television Network—a critical component of distance learning—were reorganized at the AO to better meet the courts' mission-critical training at lower cost.

Distance Learning. AO staff completed the conversion of the Contracting Officers Certification Program's classroom training to a distance learning format. A court focus group was used to test and modify the distance learning training. The training will be made available for general use during the first quarter of FY 2006.

Registration was offered to all court staff in the recently revised court budget management web-based training program, "Managing the Local Court Budget." Registered court staff will begin the training program in January 2006 and have one year to complete it. The training program is a comprehensive knowledge-based, self-teaching, self-assessment tool on budget management and budget decentralization

that takes approximately 10 cumulative hours to complete. Court feedback shows that this web-based training program meets a primary financial management training need in the courts.

National Court Budget Management Training Program. Increased skills-based budget management training to the courts was recommended in the 2004 KPMG assessment of the Judiciary's budget decentralization program. To address this finding, the AO and the Court Training Workgroup, a subcommittee of the Budget and Finance Advisory Council, developed a budget management training curriculum for court unit executives, budget analysts, and other court managers with key budget responsibilities. Beginning in fiscal year 2006, the AO will manage delivery of a court-developed budget management training program with court staff as faculty. A pilot session will be offered in the Fourth Circuit in the spring of 2006 and a completed program will be presented to the Tenth Circuit later in fiscal year 2006.

Court Compensation Study

The AO is overseeing a comprehensive court compensation study in an effort to limit future growth in compensation costs and to prepare for possible changes to the Executive Branch's pay schedule—the basis for the Judiciary's pay system. The study being conducted by The Segal Company covers 28,000 biweekly court employees—both chambers and non-chambers—currently paid according to three separate systems. The Judicial Resources Committee and a working group of judges, court managers, and employees are guiding the effort. Phase 1 of the study identified and quantified the primary salary increase cost drivers for the past six years for analysis. This will be followed by the development of job benchmarks and a market survey of comparable private and public employers. Judiciary salary levels will then be compared with those of comparable occupations. Suggestions about revisions to the classification system, pay schedule, pay delivery system, and pay policies will be reviewed by the Judicial Conference Committee on Judicial Resources and recommended to the Judicial Conference for approval in 2007.



Whenever feasible, training programs are shifting to a distance-learning format to reduce expenses.



The Judiciary expanded and formalized its telework program during FY 2005.

AO Workforce Restructuring

The Administrative Office continues to address the need for workforce restructuring that includes reorganization, technology enhancements, and recruitment of employees with essential skill sets to meet critical mission needs. An emphasis on decentralization and customer service has redefined much of the work away from operations and shifted to policy and program management. As the Judiciary moves forward with deployment of major national IT systems, staff resources are required to shift IT focus to configuration management, risk management, quality assurance, training, and product support. Additionally, the AO expanded and formalized its telework program. Telework programs typically provide benefits to the employer, the community, and the employee through increased productivity, reduced traffic congestion and air pollution, and improved work-life balance.

The AO has worked to reduce personnel costs. Through vigorous support of a cooperative education program, a workforce investment program, the use of student volunteers, and increased entry-level hiring, the AO has cut its temporary help services costs in half over the past five years and reduced the average salary cost of new hires by five percent over the same period. The AO implemented other programs in 2005 to support workforce management requirements. A background check program was started on all new hires, volunteers, and contractors to help determine suitability for federal employment.

Employee Suitability Program

In May, the Employee Suitability Program for Judiciary employees was implemented. It requires mandatory background checks or investigations for all newly hired employees, contractors, and volunteers in federal courts and federal public defender organizations, and all current employees in courts and federal public defender organizations who are appointed, promoted, or have a personnel action change to a high-sensitive position. The purpose of this program is to ensure that federal court and federal public defender organization employees and volunteers meet standards of trust and confidence for their positions as Judiciary employees. This policy also

covers contractors whose duties would otherwise be performed by Judiciary employees, whether or not a particular court has employees performing such duties. The policy allows for optional local background check programs, for sensitive positions only, that meet national requirements.

In September 2005, the Administrative Office awarded a national Blanket Purchase Agreement allowing all Judiciary organizations to purchase digital fingerprint systems. These systems will replace the traditional inked fingerprint card method and will improve the timelines and accuracy of the fingerprint check process.

Fair Employment Practices

The Administrative Office (AO) served as staff to the newly established Judicial Conference Ad Hoc Subcommittee on Diversity of the Committee on Judicial Resources. This subcommittee was created by Judge Royal Furgeson, chair of the Committee on Judicial Resources. Issues of importance to the subcommittee included developing principles and goals on diversity, and structuring a sample project that will capture district demographics to enhance the breadth of *The Judiciary Fair Employment Practices Annual Report*.

The *Policy on Reasonable Accommodation for Persons with Disabilities* and the *Reasonable Accommodation Guidelines for Persons with Disabilities* were posted on the J-Net.

All Employment Dispute Resolution (EDR) Coordinators were trained in the *EDR Claims: Lessons Learned* course. This training program examined the responsibilities of EDR Coordinators and aided participants in updating their EDR plans. In addition, AO staff conducted sexual harassment and disability law training at the Conference for Federal Defender Administrators in Atlanta, Georgia, and developed diversity tool kits for the courts.

The AO *Heritage Celebration Series* continued in 2005, celebrating the histories of African Americans, Women, Asian and Pacific Islanders, Hispanics, and Native Americans. ■

DEFENDER SERVICES



Measuring Effectiveness, Containing Costs

The Administrative Office contracted for a series of surveys to gather information about the quality of representation provided by appointed counsel under the Criminal Justice Act (CJA) and related statutes. During FY 2005, more than 460 appeals, district, and magistrate judges, more than 500 CJA panel attorneys, and all chief federal defenders were surveyed. Survey results have been incorporated into the Judicial Conference Committee on Defender Services' long-range strategic planning, and will be further used to inform the AO, Judicial Conference and Congress about the Defender Services program.

The AO planned and implemented or provided assistance and support for nearly 30 training events for federal defender staff and CJA panel attorneys in FY 2005. A research and planning group has been formed to investigate how to make effective use of distance learning to reach more trainees at a lesser cost per person.

In the technology area, a four-year effort to combine Defender Services program information systems and databases, as well as data from related Judiciary information systems, into a consolidated source of information for reporting and analysis is nearing completion. The Defender Services Management Information System is intended to integrate core workload, resource utilization, staffing, and cost data to assist in evaluating and effectively managing the Defender Services program. Other expected benefits include: enhanced assessment and management of technology investments, closer linkages between automation projects

and the business processes, and the creation of a framework to accommodate future components of the automated program management infrastructure. Additionally, a three-year process of converting all federal defender organizations nationwide to the Lotus Notes e-mail system was completed.

A high priority cost-containment initiative of the Defender Services Committee is the development of a source to provide objective case budgeting advice for judicial officers, in order to limit costs of CJA representations in capital and large non-capital cases. A small percentage of CJA panel attorney representations consumes a disproportionately high percentage of program resources. In September 2005, the Judicial Conference approved a pilot program for three circuit positions to assist courts in the case budgeting of high cost CJA panel representations. In October, Director Mecham invited circuit chief judges to identify representatives to help the AO refine the pilot program's requirements. Nine circuits were represented at the December 2005 meeting. In addition, the AO is working with the Federal Judicial Center to produce a case-budgeting training video for judges, which should be completed by March 2006.

In another effort to contain costs, the Judicial Conference approved an amendment to the CJA Guidelines for cases in which the defendant is indicted for a capital offense and it is subsequently determined that the death penalty will not be sought. The intent is to discourage courts from continuing more than one counsel and to avoid the maximum compensation rate. ■

PROBATION AND PRETRIAL SERVICES



Probation and Pretrial Services Officer Training

In partnership with the Federal Law Enforcement Training Center (FLETC), the AO in FY 2005 launched a national training academy for probation and pretrial services officers at the FLETC campus in Charleston, South Carolina. The academy achieved important programmatic goals: to provide new officers with comprehensive and uniform training and to enhance their safety and performance. The academy provides new officers training as soon as possible after they are appointed by their courts. It also offers an ideal environment for training officers who serve as firearms and safety instructors in their districts.

The FLETC campus has simulated neighborhoods for scenario training, interviewing rooms set like living rooms and offices, a courtroom, typical classrooms, firing and defensive driving ranges, and mat rooms. These facilities add to the impact of the training by allowing new and

“FLETC provides new officers training as soon as possible after they are appointed by their courts.”

experienced officers to train in environments that closely resemble their work environments.

In its first year of operation, the academy offered a three-week program focused on safety training for new officers, including training in firearms, defensive tactics, and driving safety. The program also included an overview of the federal probation and pretrial services system and instruction in such areas as officer ethics, legal liability, verbal skills, and conflict management. Class size is limited to 24 officers in order to provide each officer with the individual-

ized instruction needed in driver training, firearms instruction, scenario training, and defensive tactics instruction. The first class of new officers graduated on February 11, 2005, and five more classes followed before the end of the fiscal year. Additionally, consistent access to firing ranges and all of FLETC’s training environments allowed the AO to begin centralized training for all officers serving as firearms instructors in their districts. In 2005, the AO trained eight classes of firearms instructors.

Plans for next year are to expand the new officer training program to five weeks to add instruction on officer core responsibilities, including communication and interviewing skills, testifying skills, substance abuse and mental health issues, sentencing guidelines, and use of technology.

Probation and Pretrial Services Technology

The Probation and Pretrial Services Automated Case Tracking System (PACTS) continued to evolve as a valuable case tracking and case management tool for officers. In 2005, major enhancements included functionality to assist officers with developing supervision plans and tracking the execution of those plans. In addition, PACTS was modified to incorporate cost-containment initiatives. Furthermore, PACTS became the first Judiciary project to consolidate server-hosting as a proof-of-concept. Twelve districts participated in the program. It will be assessed in early fiscal year 2006 and a decision will be made about expanding this program. The PACTS system also was successfully converted to run on the new Linux operating system platform.

In 2005, the Administrative Office developed the National PACTS Reporting System that aggregates all offender/defendant information from PACTS into a single database. This database allows users to generate workload statistics more accurately and with greater analytical capability than in the past. This database also will provide a key infrastructure component to the Decision Support System that will be developed by allowing the analysis of national PACTS data against external data sources such as the FBI's National Crimes Information Center database and Census data.

In 2005, the Administrative Office expanded its probation and pretrial services mobile technology program to add wireless cards to its successful Personal Digital Assistant (PDA) program. The program allows probation and pretrial services officers to carry their caseload information electronically on a PDA. The PDA also can be updated while in the field and changes subsequently synchronized with PACTS. The new wireless air card program gives officers the mobile ability to connect to all computing services as if they were in the office, including access to e-mail and other databases. During communication outages following Hurricanes Katrina and Rita, the wireless air cards played a significant role in enabling probation and pretrial services officers to communicate.

In 2005, the Administrative Office piloted a new investigative tool—the Access To Law Enforcement Systems (ATLAS) program—in three districts. ATLAS provides officers with desktop access to the FBI's National Crimes Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS). The pilot program has shown ATLAS to increase effectiveness of supervision and investigations by allowing easier accessibility to criminal history records. In addition to ATLAS, the Administrative Office has worked with U.S. Immigration and Customs Enforcement (ICE) to secure access to the Deportable Alien Control System (DACs). The AO also is working with the U.S. Department of Treasury to secure access to its Financial Crimes Enforcement Network (FinCEN). These new investigative tools will continue to assist probation and pretrial services officers in conducting investigations and supervision.



A new partnership with the Federal Law Enforcement Training Center in Charleston, South Carolina, provided standardized and cost-effective safety and firearms training to probation and pretrial services officers. Training programs will expand in 2006.



Increasingly, probation officers use PDAs to check client case-related information, or photos of offenders. PDAs loaded with electronic records let officers track records in the field.

Cost-Containment Initiatives

The probation and pretrial services programs have contained costs by making policy changes that limit certain work while emphasizing mission-critical functions and public safety. Work requirements have been lessened by reducing the number and scope of pretrial services investigation reports, the number of defendants under pretrial supervision, the number and scope of presentence investigation reports, and the number of offenders under post-conviction supervision. The AO has revised policy guidance to probation and pretrial services offices, in the form of monographs and publications, to reflect the work changes. Related reductions in staffing credits have been incorporated in budget management processes; resulting cost savings are estimated to be \$144 million by 2009.

In addition, since 2002, the Criminal Law Committee has worked to encourage the identification of offenders who qualify for early termination. From 2002 to 2005, the number of offenders terminated early more than doubled to over 7,500. In September 2005, the Judicial Conference approved further policy changes recommended by the Committee to favor recommending early termination when appropriate conditions are met.

80th Anniversary of the Probation Act

The federal probation and pretrial services system observed an important milestone in 2005, the 80th anniversary of the Probation Act. A joint resolution signed by the Chair of the Judicial Conference Committee on Criminal Law and the AO Director commemorated the anniversary and explained the significance of the Act:

On March 4, 1925, President Calvin Coolidge signed the Probation Act and, in doing so, changed the federal justice process. The Act established a probation system in the federal courts and gave the courts power to appoint probation officers and place offenders on probation. This landmark legislation provided an alternative to sending some offenders to prison. Probation provided a way to monitor offenders in the community and to give them the opportunity to become law-abiding, productive members of society.

The anniversary offered an opportunity to pause and reflect on the system's proud history and

tradition of service to the court and the community, as well as to international visitors interested in learning about the U.S. probation and pretrial services system. ■

COMMUNICATION



News and Information. Reporters covering the federal courts turned to the Administrative Office as a primary information source throughout the year. During 2005, staff responded to hundreds of inquiries from reporters about key issues, including judicial appointments, sentencing guidelines, bankruptcy filings, judicial security, and Judicial Conference matters. To help reporters, the AO developed and posted to its web site *A Journalist's Guide to the Federal Courts*, which explores the federal appellate, district, and bankruptcy courts, and identifies key players, types of court information and their sources, and describes the various stages of an appeal, and of a civil, criminal, and bankruptcy case.

The Judiciary's news and information activity is greatly enhanced by its public web site, uscourts.gov, which saw dramatic increases in visits for information about a wide range of information, especially the Bankruptcy Reform Act.

“During 2005, the AO consolidated training video production with communications video services to improve delivery of training and communications programs to the courts.”

The Judiciary's flagship newsletter, *The Third Branch*, continued to inform judges, court managers, and Congress about Judicial Conference decisions, as well as key Judiciary initiatives.

Judges and court employees received information daily via broadcast e-mail and from the vast selection of information and resources posted on the J-Net. Long-standing efforts to focus on electronic communications continued this past year, as print runs were reduced of popular reports, brochures, and newsletters. The *Federal Court Management Report*,

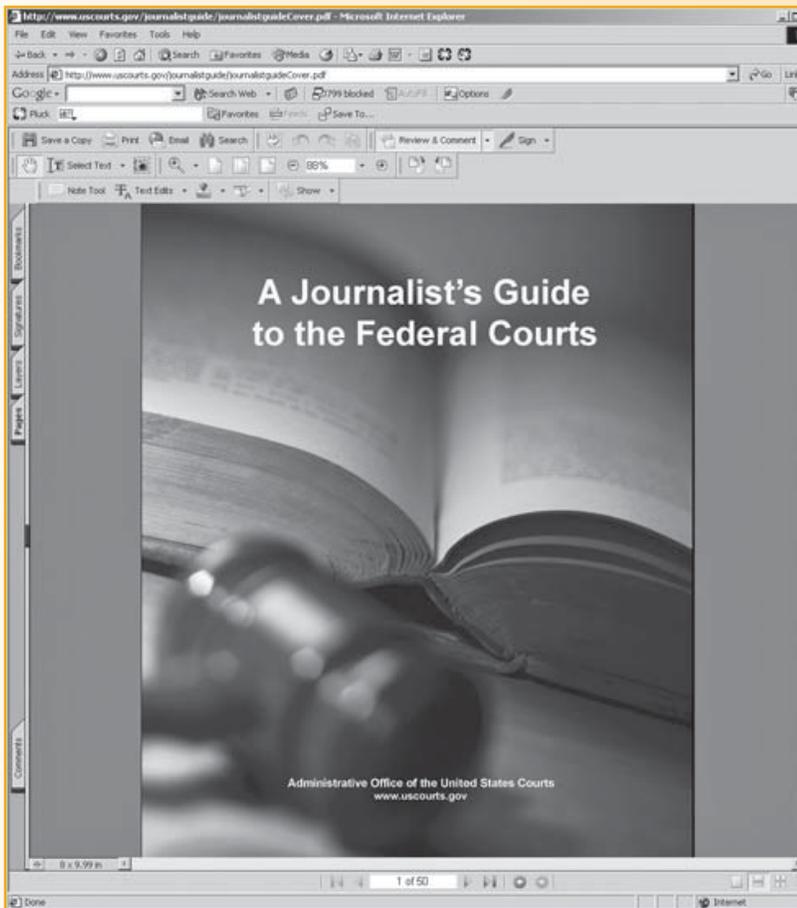
created as a print newsletter for court employees a decade ago, was redesigned solely for an electronic presence. The new format saved over \$75,000 in printing and distribution costs, and has aided readers by introducing strategic links to supporting documents on the J-Net. In another cost-saving measure accomplished at the end of FY 2005, the Judiciary in the News, daily newsclips were changed to a primarily online service.

Video Services. During 2005, the AO consolidated training video production with communications video services to improve delivery of efficient and effective training and communications programs to the courts. AO program offices can choose from a range of products including broadcasts on the Federal Judicial Television Network (FJTN), video segments for web-based training, or videos to be shown at meetings or conferences.

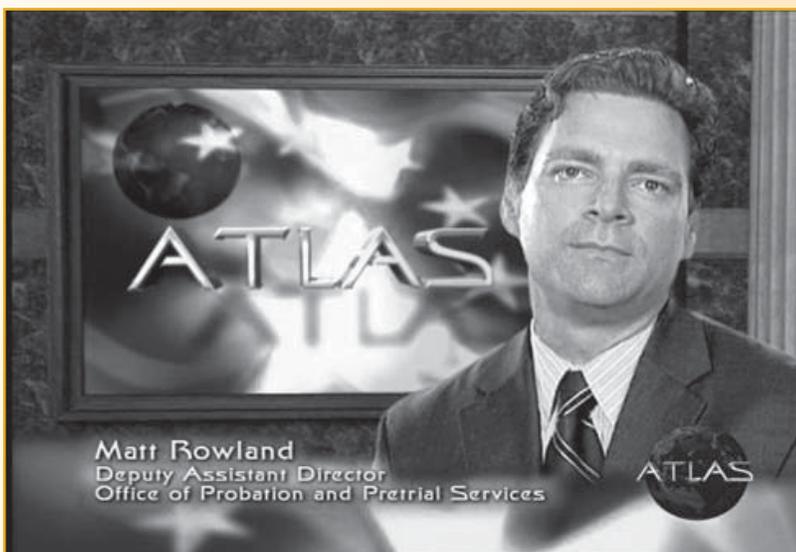
The FJTN provides judges and court staff with timely informational and training programming designed to keep them abreast of new Judiciary-wide initiatives or legislative requirements.

Project support highlights from 2005 included coverage of congressional hearings in response to the Lefkow family tragedy; a six-minute program, “A Tribute to Chief Justice William H. Rehnquist,” broadcast in September, and “Access to Law Enforcement Systems at your Desktop” (ATLAS). It spotlighted the Office of Probation and Pretrial Services' new application that allows probation officers to access the FBI's National Crime Information Center database from their desktop computers.

The AO also produced several special-purpose videos in 2005, including one illustrat-



A Journalist's Guide to the Federal Courts.



The Federal Judicial Television Network (FJTN) is essential to the Judiciary's new training model that emphasizes timely and cost-effective learning opportunities.

ing the impact of Hurricane Katrina on courts in the Fifth Circuit. The video was produced to support the Judiciary's request for \$65 million in emergency supplemental appropriations and was used to brief congressional staff before they visited the impacted areas.

Educational Outreach. AO staff developed an international initiative in 2005 that reached more than 350 high school students from around the world during their visit to Washington, DC. The program, which centered on the role of federal courts in terrorism cases, exposed participants to the rule of law as they participated in court simulations and discussed issues of concern with a judge. The educational resources added to the federal courts' web site focused on contemporary topics including journalists going before grand juries, why students should follow the Supreme Court nominations process, and the teen death penalty. A newly enhanced, on-line resource kit for teachers and students, lawyers, judges, and court staff is at www.uscourts.gov/outreach/index.html. Constitution Day 2005 presented an outreach opportunity for courts to offer AO-produced programs and events to local schools, which are now mandated by Congress to observe the day. ■

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 25 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, 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



Director

Leonidas Ralph Mecham

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 as ex officio member of the Board of Directors of the Federal Judicial Center.

Associate Director, Management and Operations

Clarence A. Lee, Jr.
Cathy A. McCarthy, Deputy

Chief advisor to the Director on management, strategic, and tactical planning and operational matters; ensures that activities of all agency elements are functioning in support of the Director's goals; oversees audit and review activities.

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; and 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.

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
Marguerite R. Moccia, Deputy

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

Melvin J. Bryson, 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

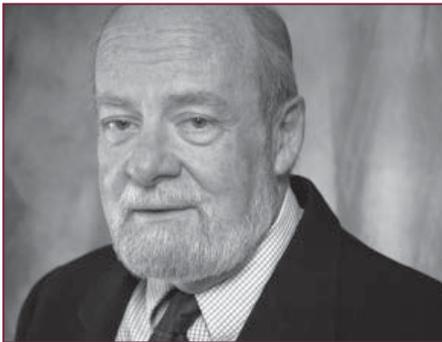
John M. Hughes, Assistant Director
Matthew Rowland, Deputy

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. ■

SENIOR

EXECUTIVE STAFF

ASSOCIATE &
ASSISTANT DIRECTORS



Associate Director, Management and Operations

Clarence A. Lee, Jr.



Associate Director and General Counsel

William R. Burchill, Jr.



Judicial Conference Executive Secretariat

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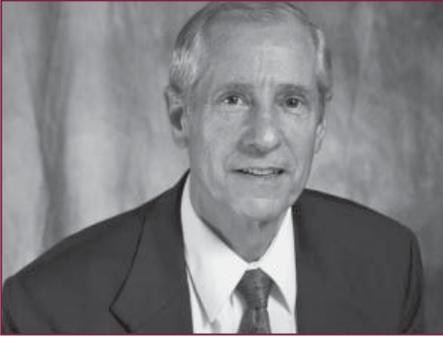
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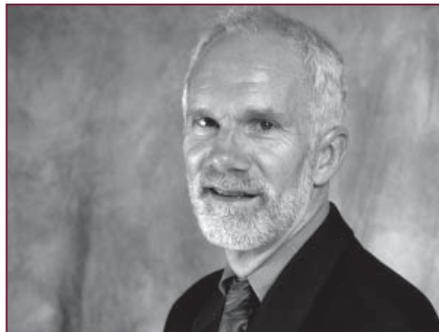
John M. Hughes, Assistant Director

DEPUTY ASSOCIATE &
DEPUTY ASSISTANT DIRECTORS



Management and Operations

Cathy A. McCarthy,
Deputy Associate Director



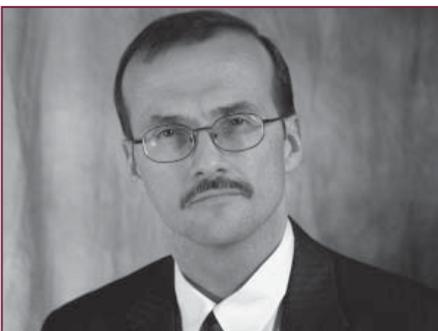
General Counsel

Robert K. Loesche,
Deputy Associate Director



**Judicial Conference Executive
Secretariat**

Wendy Jennis,
Deputy Assistant Director



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Washington, DC 20544

www.uscourts.gov

