

**STRATEGIC PLANNING REPORT OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ADOPTED MARCH 1999

U.S. District Court (Rev. 3/18/99)

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INTRODUCTION

This Strategic Report was adopted by the United States District Court for the District of Maryland on March 18, 1999, upon the recommendation of the court's strategic planning committee. The committee was composed of four active district judges, one senior district judge, two magistrate judges, the chief bankruptcy judge, and the clerk of the court. The bankruptcy court clerk and the chiefs of the probation department and the pretrial services office also participated actively in the work of the committee. The committee began its deliberations in April 1998. It received input from the various other court committees while considering on its own issues not falling within the jurisdiction of other committees. Prior to the adoption of the report, a draft was distributed to all the judges of the court, the four unit chiefs, the United States Marshal, the staff attorneys, and the CJA Supervising Attorney for their review and comment.

The report is not intended to cast anything in stone.¹ Rather, it contemplates that strategic planning will be a continuous process. The report is to be reviewed by the strategic planning committee and by the unit chiefs at least biennially. After necessary modifications have been made it is to be formally readopted every four years. The purposes of the plan include (1) requiring us to articulate and critique our assumptions, (2) helping to maintain a consensus about our operating goals and practices, (3) forcing us to consider the long-term implications of our short-term budget, personnel, and construction decisions, (4) identifying future trends that may have an

¹It is for that reason we have chosen the term "strategic report" in lieu of "strategic plan." The former implies a work in progress while the latter might suggest a rigid blueprint.

impact upon the court and its constituent agencies, and (5) setting benchmarks by which we can measure our performance.

The report is organized alphabetically by topic. The topics are listed in the table of contents. We provide a somewhat comprehensive description of many of our existing policies, practices, and procedures so that the report can serve as a single reference source about the court's overall operations as the planning process continues in the future.

Although not addressed as a separate topic, a resonating theme throughout the report is that the court must be accountable and responsive to the public. Of course, the final test of the quality of our performance is the quality of our substantive judicial work - a matter beyond the reach of court administration. However, there are many things we can do administratively to enhance "customer satisfaction," ranging from insisting that all those who work with us be courteous to everyone (except the unruly) who enters our courthouses, to implementing effective case management systems, to providing incentives to court employees for superior performance, to training new judges on conducting trials in a way that minimizes juror inconvenience. Our focus must always be outward to the litigants, lawyers, witnesses, jurors, and other constituencies to whom we are responsible. At the end of the day all of our strategic planning, policies and management systems will be for naught if they fail to instill throughout the court a spirit of public service and to foster an inquiring attitude of mind that constantly asks the question "how can we do what we are doing better?"

I. Alternative Dispute Resolution

For many years our magistrate judges have presided over settlement conferences and other mediation proceedings. As a routine practice, in scheduling orders sent out at the beginning of a case and at scheduling and/or pretrial conferences held after the close of discovery, district judges advise parties and their counsel of the settlement conference option and frequently suggest that it be pursued. In a rare case, for example where the district judge may sense that counsel are acting unprofessionally and obstructing the possibility of a constructive settlement, the judge may direct a settlement conference to be held. However, the court does not have a program of mandatory arbitration or mediation.

Both the original advisory committee of lawyers established pursuant to the Civil Justice Reform Act of 1990 and the successor committee appointed to study the impact of our CJRA plan recommended that we continue our policy of encouraging settlement conferences, usually before our magistrate judges, but not requiring parties to mediate or arbitrate their claims. The committees shared our view that a mandatory mediation program would have the paradoxical effect of actually increasing the cost of, and causing unnecessary delay in, litigation conducted within the district. Our experience has been that when judges decide motions promptly and hold in scheduled trial dates, cases that should settle are settled, often after counsel and their clients have voluntarily participated in settlement conferences with magistrate judges.

Congress has recently enacted legislation mandating that federal courts offer alternative dispute resolution services to all litigants who appear before them. We plan to review our processes and procedures to make sure they are in accord with the dictates of that legislation.

II. Attorneys' Fees Guidelines

In 1997 the court adopted a series of "Rules and Guidelines for Determining Lodestar Attorneys' Fees in Civil Rights and Discrimination Cases." These Rules and Guidelines appear as an appendix to our Local Rules. They have five related, but distinct purposes: (1) to provide lawyers with advance notice of the standards that will apply to fee applications; (2) to bring greater uniformity to the fees that are awarded by different judges; (3) to save judges substantial time by not requiring them to "reinvent the wheel" in every case; (4) to assure lawyers submitting fee petitions that their requests will not be routinely reduced by an arbitrary percentage figure provided they have stayed within the rules and guidelines; and (5) to assist in evaluating the reasonable range of settlement.

Although our experience under the Rules and Guidelines has been limited, they appear to be working satisfactorily. We invite public comments when we amend our Local Rules biennially, and we anticipate receiving comments about the Rules and Guidelines. Unless the comments persuade us that the Rules and Guidelines are ineffective or unfair, we anticipate continuing them, subject to whatever fine-tuning may be appropriate. One of our intermediate-term automation goals is to create a data base concerning the award of fees in cases to which the Rules and Guidelines apply.

III. Automation and Technology

The growth the court has experienced within the past three years in the area of automation and technology has been truly extraordinary. We have undergone a process of change from an organization that used computers for little more than statistical reporting and basic word

processing to one whose operations are fully automated. Two years ago we adopted an automation plan. Almost all of the short-term and intermediate-term goals set in that plan have been achieved.

This report will not record what has already been accomplished. Instead, it will simply list what still needs to be done.

1. Connect court reporters and CSO's to e-mail network (if AO approval can be obtained)
2. Resolve any remaining year 2000 problems
3. Expand materials on the court's intranet and internet websites
4. Assure that magistrate judges enter data into the recently developed settlement information software program
5. Develop software program regarding verdict information
6. Develop software program regarding the award of attorneys' fees in cases covered by our Rules and Guidelines
7. Implement imaging system: phase I - imaging of orders; phase II - imaging of full docket
8. Upgrade court's hardware standard
9. Provide 18 or 24 month replacement cycle for hardware
10. Expand public access to docketing information
11. Continue to study and make preparations for electronic filing
12. Continue to offer courtwide training programs
13. Provide equipment and training programs to help prevent RSI problems

IV. **Bench/Bar Relationships**

We believe that the relationships between the bench and the bar in this district generally are quite good. There are three committees, composed primarily of lawyers, who work actively with the court: a joint Federal Bar Association/Maryland State Bar Association federal court committee, a southern division working group, and the Bankruptcy Bar Association of Maryland. These committees meet regularly, and each serves as a forum to discuss routine issues as they arise. In addition, the committees have initiated many worthwhile projects, such as drafting discovery guidelines which the court has adopted and writing a bankruptcy appeals manual for use by lawyers and judges alike.

One of the projects conceived and implemented by the FBA/MSBA federal court committee was a half-day bench/bar conference held in October, 1998. The program included a panel discussion on recent Fourth Circuit and district court opinions, break-out discussions on a list of topics chosen by the bar, and a state-of-the court address by the chief judge. The afternoon ended with a social hour. The event was well received, and we plan to hold a similar conference annually or biennially.

V. **Budget Issues**

A. **Role of the Budget Committee**

The court's budget committee (1) reviews the budgets of the court's constituent agencies at the beginning of the fiscal year, (2) plans for the use of any projected budget surplus on a courtwide basis, (3) meets with the unit chiefs quarterly to monitor budget compliance, and (4) at

the end of the fiscal year recommends for approval by the district judges proposed uses for any budget surplus. Before making any budget recommendation relating to a matter falling within the jurisdiction of any other court committee, e.g., Automation & Technology, the budget committee seeks a recommendation from the committee having jurisdiction over the matter.

B. Potential Adverse Budget Factors

We have identified the following factors that may have a negative impact upon the court's budget within the next few years: loss of senior judges, termination of CJA Supervising Attorney pilot project, reduction in funding for staff attorneys, the Budget Reconciliation Act, and the new allocation formula presently being devised. We have instructed the unit chiefs to consider these factors when making personnel and other decisions that may affect the budget in the future. In that regard we have made it clear that if the CJA Supervising Attorney pilot project is terminated and the position is not funded nationally, we will require that funds be found in our local budget to continue salary and benefits for the CJA Supervising Attorney at their present level (plus cost of living increases).

VI. Buildings and Facilities

A. Baltimore Courthouse

1. Replacement or Major Renovation

Unfortunately, the Baltimore courthouse was built "on the cheap" in the 1970s. It entirely lacks stature and style. It also suffers from the disadvantage of having its entrance on Lombard Street, which is tunneled by lifeless buildings and has become a vehicular corridor. The courthouse would be more properly oriented toward Pratt Street, which in recent years has

become a pedestrian promenade, connecting the Inner Harbor with Orioles Park at Camden Yards. Moreover, immediately facing the courthouse across Pratt Street is the Baltimore Convention Center. The courthouse stands as a wall between the thousands of visitors who come to the Convention Center and the rest of the City to the north.

The courthouse also poses a significant security risk. Fabricated with glass and thin concrete panels, it is similar in design to the Alfred Murrah building that was the target of the Oklahoma City bombing. Because of these concerns we have very recently been advised by the Administrative Office of the U.S. Courts that it will probably be recommending the construction of a new courthouse in Baltimore to be completed within ten to fifteen years.²

We plan to work toward fulfillment of this project and hope it goes forward at an appropriate location. If it does not, we have an alternative plan calling for reorientation of the courthouse toward Pratt Street, opening it to Convention Center visitors. The plan also contemplates establishment of a museum on the second floor celebrating lawyers, members of Congress, and judges who have played significant roles in the life of the court, and presenting exhibits that depict the historical context in which memorable trials in the district were held.

²Potential space needs also make construction of a new courthouse advisable. Although, as explained in section VI(A)(4), *infra*, we do not anticipate running out of space in the next ten to twelve years, we do foresee space shortages fifteen to seventeen years from now. Within fifteen years all seven of the active district judges in Baltimore, save one, will be eligible for senior status, and the one exception (Judge Blake) will be eligible for senior status two years thereafter. Either or both Judge Niemeyer and Judge Diana Motz of the Fourth Circuit are also likely to have taken senior status within ten to fifteen years, and if they do so, there will be a shortage of chambers available for Fourth Circuit judges in the Baltimore courthouse. Furthermore, by that time undoubtedly the caseload in Baltimore will have grown sufficiently to warrant at least one additional district judgeship, magistrate judgeship, and bankruptcy judgeship. Finally, several of our magistrate judges will be available for recall within approximately fifteen years.

2. Interim Design Plan

While we are pursuing the construction of a new courthouse or a major renovation of the existing courthouse, we also will be implementing an interim courthouse improvement plan. That plan is designed to bring greater dignity to the courthouse and make it more hospitable to those who use it regularly and to the public at large. It contemplates (1) converting four empty rooms into attorney conference rooms and work areas, (2) enhancing the beauty of the lobby space on the first floor, (3) placing tables and chairs in the porch-like space extending from the entrance to Hanover Street, (4) converting the old magistrate judges' library on the second floor into a judges' conference room, (5) creating a space for art exhibits on the second floor, (6) improving the public corridors and bathrooms, and (7) eventually renovating the seventh and third floor courtrooms.

3. Improvement of Food Services

Another goal is to improve substantially the courthouse cafeteria. It is extremely important that the quality of the food services within the courthouse be acceptable. Many members of the public who visit the courthouse, including jurors, parties, witnesses, and lawyers, are frequently on tight schedules, and do not have time to go out to nearby restaurants and sandwich shops at lunchtime. Moreover, the courthouse would be much more "user-friendly" (both for visitors and employees) if it contained a coffee and pastry cart and if its cafeteria served dishes that busy people could take home and microwave for dinner. Unfortunately, none of these facilities are now available.

4. **Space Needs**

a. **Courtrooms and chambers**

We do not anticipate the need for additional chambers and courtrooms within the next ten to twelve years. There are 22 courtrooms in the courthouse: 4 on the ninth floor, 4 on the seventh floor, 4 on the fifth floor, 4 on the third floor, 4 on the second floor, and 2 on the first floor (including the ceremonial courtroom). Two of the courtrooms on the ninth floor are dedicated to the use of (though, in fact, rarely used by) the Fourth Circuit. The four courtrooms on the second floor are extremely undesirable. Thus, there are 16 courtrooms usable by trial judges in the building.³

There are presently 25 chambers in the courthouse: 6 on the ninth floor (4 Fourth Circuit and 2 bankruptcy), 4 on the eighth floor, 4 on the seventh floor, 4 on the fifth floor, 4 on the third floor, 2 on the second floor, and 1 on the first floor.

There are presently 21 judges sitting in the courthouse, of whom 18 are trial judges: 3 Fourth Circuit judges (all of whom are active), 7 active district judges, 5 senior district judges, 4 magistrate judges, and 2 bankruptcy judges. Based upon the age of the present judges, looking out twelve years, it is reasonable to project that there will be at most 26 judges sitting in the courthouse, 21 of whom will be trial judges: 3 active Fourth Circuit judges, 2 senior Fourth Circuit judges, 8 active district judges, 3 senior district judges, 5 magistrate judges, and 5 bankruptcy judges. This estimate assumes one new district judgeship, one new magistrate

³We use the word "usable" advisedly. The courtrooms on the third and seventh floors (particularly the seventh) are unsightly, and one of the courtrooms on the third floor is much smaller than called for by the Design Guide.

judgeship, two new bankruptcy judgeships, and one recalled bankruptcy judge in the northern division.

If these projected estimates are reasonably on target, in twelve years there may be 26 judges for 25 existing chambers. Although there will be only 16 usable courtrooms for 21 trial judges, this number seems sufficient since three of the district judges will have senior status and since, with that number of judges, it is unlikely that all will be in court on the same day. With good management, the practice of sharing courtrooms among district and magistrate judges should not be difficult.

b. **Clerical and agency space**

The district court clerk's office does not anticipate that it will need additional space within the next ten to twelve years.

The bankruptcy court anticipates that it will need approximately 6,000 square feet in additional space within the next ten to twelve years. One of our goals must be to identify the most suitable location for the expansion of the bankruptcy court clerk's office.

The pretrial services office does not anticipate that it will need additional space within the next ten to twelve years.

The probation department presently leases commercial space outside of the courthouse. If the U.S. Attorney's Office vacates the courthouse, as it presently plans to do, the probation department may wish to return to the courthouse. Because of the number of probation officers, that would be feasible only if supervising probation officers were to share office space. This is a matter which the probation department will be considering as part of its planning process within the next two years.

B. Greenbelt Courthouse

Our courthouse in Greenbelt is now four years old. It was designed so that when its existing space became inadequate, an addition could be added to it. One of our highest priorities is to have the addition completed no later than twelve years from now. For the reasons that follow, by that time the need for the addition will be critical.

There are presently eight judges resident in the Greenbelt courthouse: three district judges, three magistrate judges, and two bankruptcy judges. There are only seven permanent chambers and seven courtrooms; our newest magistrate judge occupies a temporary chambers in the district court clerk's office space. Although we anticipate that one new chambers and courtroom will be constructed next year, this will only solve our short-term problem. For several years there has been a clear and demonstrated need for at least one bankruptcy judge in Greenbelt, and although Congress, inexplicably, has not yet authorized additional judgeships, the statistical justification for creation of at least one position is overwhelming and can no longer be ignored. Moreover, it is likely that there may be one recalled bankruptcy judge in Greenbelt within the next five years.

The Judicial Conference's Committee on Judicial Resources is also recommending an eleventh district judgeship for Maryland because of the growth in our southern division caseload. Therefore, within the next three to five years it is reasonable to expect that there will be at least three more judges resident in Greenbelt. There is space in the courthouse for only two more judges. Further, the additional judgeships will have a severe impact on already crowded clerical space. The existing building is designed to house ten judges: three on the fourth floor, four on the

third floor, and three on the second floor. No more judges can be accommodated without the addition.

As we look ten years out to the year 2008, it is clear that the space in the existing Greenbelt courthouse will be inadequate. One of our district judges in the southern division will be eligible for senior status by that time. Our other two district judges will be eligible for senior status within several years thereafter. Moreover, making the most conservative of assumptions, the growth of population and litigation potential in the southern division (several federal government agencies are planning to relocate in the Maryland suburbs around Washington, D.C.) almost assuredly will create the need within twelve years for at least one additional district judge, one additional magistrate judge, and one additional bankruptcy judge. It is also possible that there will be a judge on the Fourth Circuit from Maryland's southern division within the same time frame, and it is expected there will be a bankruptcy judge serving on recall status.

In addition to the space needed for new chambers and courtrooms, there is at least an equal need for an expansion of supporting clerical space. The clerk's office of the bankruptcy court has already outgrown the space allotted to it. The space for pretrial services has also become cramped. Plans are already underway for displacing the probation department from the courthouse to accommodate the needs of the bankruptcy clerk's office and the pretrial services division. When the chambers and courtrooms are constructed for the new bankruptcy judge and district judge within the next few years, the district court clerk's office will have to move to the space vacated by the bankruptcy clerk, and this space will not be adequate for the district court clerk's office needs.

C. **Hyattsville**

We have an agreement with the State of Maryland to hold magistrate judge criminal proceedings in a state court facility in Hyattsville. The arrangement is working quite well but our agreement will expire in two years. If the State then needs the space we are using for its own judges, we will be required to hold the proceedings in our Greenbelt courthouse. We anticipate that this will not pose an insurmountable problem, since by that time the new magistrate judge courtroom should be completed.

D. **Salisbury**

The courtroom used by the magistrate judge in Salisbury is entirely unacceptable. It is on the second floor of an old post office building and is not accessible to those with disabilities. One of our most pressing needs is to obtain alternative space, either through an arrangement with the State of Maryland (similar to the one in effect in Hyattsville), by using space in a state court facility, by renovating the building in which the existing courtroom is located and moving the courtroom to the first floor, finding another nearby federal facility in which court can be held, or leasing commercial space.

E. **Other Locations**

Our magistrate judges also sit at Aberdeen Proving Grounds, Andrews Air Force Base, Fort Detrick, Fort Meade, the Naval Academy, and the Patuxent Naval Station. The facilities at each of these locations are entirely adequate and, as far as we can ascertain, will remain so in the foreseeable future.

VII. Case Management

A. Individual Assignment System

For over thirty-five years the court has had an individual assignment system. The system has many advantages, including (1) assuring continuity throughout the progress of the case for judges, parties, and counsel, (2) providing an incentive to judges to carefully consider and resolve pretrial motions, and (3) giving judges the independence to manage their own workload.

The system has generally worked well, and we plan to continue it in the future.

We recognize, however, that there are at least three disadvantages to the individual assignment system. First, since experience demonstrates that most cases are resolved without trial, most of us usually schedule more than one trial for the same week. Therefore, a strict individual assignment system sometimes requires postponements of trials when, unexpectedly, a civil case does not settle or a criminal defendant does not plead guilty. A single judge, however conscientious, cannot regularly try two cases at the same time. Second, a particular judge, no matter how efficient he may be, may temporarily fall behind in his work because of a series of long trials. Third, not all judges are as efficient as others, and therefore some do not decide their motions or conduct their trials as promptly as their colleagues.

Because of these deficiencies in the individual assignment system, during the past four to five years we have supplemented the system in several respects. First, we routinely volunteer to take trials from one another when one of us has a conflict in her trial schedule. As an aside, it should be noted that more often than not, the holding in of the trial dates has resulted in at least one of the cases being settled. Second, the chief judge has occasionally gone on a half-draw, using his extra time to assist a colleague who has fallen behind in deciding dispositive motions.

Third, Judge Smalkin, who is particularly efficient, has occasionally provided similar assistance to a judge who, by the bad luck of the draw, had been assigned several long criminal cases that had to be tried successively. Fourth, Judge Harvey, one of our senior judges who is particularly adept in managing complex litigation, has taken over responsibility for several large cases when circumstances require (for example, when the judge to whom the case was assigned died in office or when another judge had to recuse himself). Fifth, we encourage parties to consent to jury trials before our magistrate judges.

We have found all of these supplements to the individual assignment system to be extremely valuable and intend to continue them in the future.⁴

B. Assignments to New Judges

In earlier days of the court, whenever a new judge was appointed, he would tell the tired old joke (referring to the "old dogs" he was inheriting) that "he could hear his cases barking" when they were delivered to his chambers. That practice thankfully has ceased. It was unfair both to the new judge and to the parties, and it was directly contrary to the public interest in the expeditious and orderly resolution of litigation. When our newest district judges were appointed several years ago, we prohibited the transfer of any case more than 18 months old. We suggested that judges make their reassignments in accordance with the following formula:

⁴Simultaneously with our adoption of these supplemental measures, we decided to abolish the "8-day" rule that the court had followed for many years. Under that rule, after a trial had gone on for eight days, the judge went off the assignment for the duration of the trial. We concluded that this rule established a perverse incentive for making a trial longer than it has to be. Moreover, going off the assignment might provide the judge with relief in the future but did not solve her immediate problem of coping with pending cases. Most importantly, our willingness to back one another up on the trial calendar and the other cooperative measures we have adopted eliminated the reason for the rule.

<u>Age of case</u>	<u>% of Allotment</u>
1-4 months	40%
5-8 months	25%
9-12 months	25%
13-18 months	10%

This reassignment system worked well, and we plan to follow a similar system when new district judges are appointed.

C. **Respective Roles of Chambers and the Clerk's Office**

Case management responsibilities are presently divided between chambers and the clerk's office. What we call "early case monitoring" is the responsibility of the clerk's office. Courtroom deputies ("CRDs") have the tasks of (1) monitoring compliance with Fed. R. Civ. P. 4(m); (2) ascertaining if motions for default have been filed when a defendant has been served but not responded; (3) making sure scheduling orders have been issued by chambers as soon as defendant(s) have answered; and (4) in bankruptcy appeals checking to see if the record on appeal and the appellant's brief have been timely filed. CRDs also are responsible for processing motions for default and default judgments.

Once the defendants have filed their initial responses, case management responsibilities switch to chambers. When answers are filed, chambers issues scheduling orders or sets in an initial scheduling conference. Status reports are submitted to chambers at the close of discovery stating, among other things, whether summary judgment motions are anticipated. If they are, chambers records the summary motions deadline (which previously has been set in the scheduling order) and the rest of the briefing schedule. If summary judgment motions are not to be filed, chambers sets in a scheduling conference at which a pretrial and trial schedule is set.

This system of case management works extremely well. In addition to being operationally effective, it has the psychological effect of impressing upon judges that they do not sit at the top of a pyramid waiting for work to come up to them but rather that they, together with their immediate staffs, are personally responsible for managing their cases. We plan to continue this system in the future.

D. Management Reports

Presently the following civil case management reports are circulated to the district judges each month: (1) Pending Civil Report (reflecting by judge the number of cases opened and closed the preceding month and the number of pending cases); (2) Civil Cases Instituted and Closed (reflecting by judge cumulative case openings and closings for the year); (3) pending motion to dismiss reports; (4) pending summary judgment reports; and (5) the CJRA report of "overdue" motions, bench trials, and 3-year old cases as of the next reporting date. A report of criminal cases (reflecting the same information as the Pending Civil Report) is also circulated monthly to the district judges.

Reports reflecting the status of cases referred to each magistrate judge and a report of the number and type of referrals made to each magistrate judge during the preceding month is circulated monthly to district judges and magistrate judges. Similar reports reflecting cases handled by the staff attorneys are circulated to the district judges and the staff attorneys.

The final report that is regularly circulated to the judges is one which reflects by general case type (not simply the codes used for reporting to the Administrative Office) the number and percentage of cases that are being handled by each judge and by the court as a whole. This report provides us with a good overall view of the nature of, and trends in, our caseload.

All of these reports are useful, and we intend to continue them in the future.

VIII. **Court Organization and Governance**

A. **Divisions or Separate Districts?**

The court presently has two divisions: the northern division centered in Baltimore and the southern division centered in Greenbelt. We believe that the same policies, practices, and procedures should be in effect in the two divisions, and we see no reason for the opening of any new division. There may come a point in the future when our two divisions will have become so large that they no longer benefit from their joinder. However, we see no reason presently to turn the existing two divisions into separate districts. There is a good spirit of cooperation between us which we believe will continue.

B. **Organizational Relationships**

Attached to this report as exhibit A is an organizational chart reflecting the nature of the relationships among the members and various constituencies of the court. The relationships may be narratively described (using corporate terminology) as follows. The district court is the parent corporation. The bankruptcy court is an affiliated corporation over which the district court, as parent, only has oversight responsibility on fundamental policy matters, particularly in the personnel area, e.g., EEO and group productivity awards programs. The magistrate judges constitute an affiliated group of equal stature to the bankruptcy judges but, because they work directly with the district judges, district judges have more direct management authority over their affairs.

In addition, the district court has what might be called four operating divisions over which the district judges have supervisory control: their own chambers' staffs, the staff attorneys, the CJA Supervising Attorney, and "courtwide operations." Each district judge has authority over her own chambers' staff; the judges' authority over the other "divisions" is exercised through the chief judge.

"Courtwide Operations" encompasses such matters as courtwide space and facilities issues and automation services provided to judges and their staffs. They are managed by the clerk of the court but a distinction is drawn between the clerk's role as clerk and his role as courtwide operations manager. In the former capacity, the clerk is the chief executive officer of the clerk's office over whom the chief judge has only policy oversight as the court's chair of the board; in the latter capacity, the clerk is the chief operating officer, who reports to the chief judge as chief executive officer of the court. The chief judge, in turn, reports to the other district judges as the board of directors of the court. Of course, the chief judge and his colleagues seek the advice of the clerk on matters relating to courtwide operations. However, the clerk's discretionary authority as to how and when to implement policies within the clerk's office is broad whereas his responsibility as manager of courtwide operations is simply to carry out the decisions made by the court.

The four constituent agencies of the court are properly characterized as subsidiary corporations rather than direct operating divisions. The district court's clerk's office, the pretrial services office, and the probation department are subsidiaries of the district court, and the bankruptcy court's clerk's office is a subsidiary of the bankruptcy court. The distinction between "direct operating division" and "subsidiary corporation" is drawn in order to make it clear that

although the judges set broad policies for the constituent agencies, they do not run them. Of course, a unit chief who fails to communicate effectively with the chief judge and his colleagues and/or manages his office in a way that the judges find unacceptable will not long retain his position. However, judges must recognize that in order to do their jobs effectively, the unit chiefs must have the authority of chief executive officers within their own agencies. Judges must neither undermine the unit chiefs' authority nor micromanage their decisions.

The relationships as depicted on the organizational chart and described in this section may well change over time. A new chief judge, the unit chiefs, or the bench as a whole may wish to suggest a different management structure in the future. However, the proper functioning of the court requires that all judges, unit chiefs, and other court managers understand their respective roles in the management and administration of the court. Therefore, it is essential that any redefinition of existing relationships be the subject of a deliberative process, with the participation of the entire bench, not simply an arbitrary effect of a change in leadership.

C. Leadership Issues

We have inherited from our predecessors a tradition of genuine collegiality. On a personal level all of the judges associated with the court are friends; on a professional level we respect one another and are spared from divisiveness on political, philosophical, or ideological grounds. We have learned, however, that as the court and its constituent agencies have grown larger, in order for the court to function effectively, management is required. Collegiality is a necessary but not sufficient condition to sound management.

The personality and style of the chief judge inevitably affects the manner in which the court is run. However, experience has taught us that effective administrative leadership of the

court depends upon the chief judge (or his designee) serving as a "nerve center" rather than as a "command center." The court's administrative leader must stand in the center, rather than at the top, of the court's affairs. Several factors dictate this conclusion. First, as a general proposition judges (like everyone else) do not like being told what to do. Second, we have a long tradition of making important decisions by consensus or near-consensus, and that tradition requires a leader who has the ability to listen and hear what his colleagues have to say. Third, the court is an extraordinarily complex organization and its administrative leader must have broad knowledge about, and interest in, the workings of its various constituencies.

The chart attached to this report as exhibit B demonstrates the truth of the proposition that the court's administrative leader must act as a "nerve center." He serves as a communication link with a wide variety of internal and external constituencies, including the chief bankruptcy and chief magistrate judges, the court's own committees, each individual district judge, the Judicial Council, bar committees, the Administrative Office, the Federal Judicial Center, the U.S. Attorney, the Federal Public Defender, and the U.S. Marshal. Further, he must, as the chair of the board, oversee on the court's behalf the work of the chief executive officers of the court's affiliated agencies: the district court clerk's office, the pretrial services office, and the probation department. Finally, he must both lead and heed directives from the other district judges as a corporate body, energizing their deliberations while seeking to formulate a working consensus.

Traditionally, these duties have been performed by the chief judge, and it is within the prerogative of the chief judge to assume them. However, there is no necessary correlation between interest and ability in internal administrative matters, on the one hand, and performance of the external duties of the chief judgeship, on the other. Therefore, if a chief judge is

uninterested in, or unwilling to, serve as the court's nerve center, he should (with the approval of the court) delegate that responsibility to, or share it with, someone else. Since the person holding that position must command the respect of the other judges and be free from jealousy from the unit chiefs, most likely the chief judge's designee should be a fellow judicial officer. However, personal qualities and ability are the essential qualifications for the position, and in the final analysis it is those qualifications that should dictate whom the chief judge selects and the district judges approve to serve as their administrative leader in the event the chief judge decides to delegate or share that role.

D. Court Committees

The court presently has the following committees: Attorney Admission Fund; Automation, Computer and Technology; Budget; Courthouse Facilities - Baltimore; CJA; Disciplinary and Admissions; Personnel and Operations Liaison; Jury; Probation; Rules & Forms; Security; Southern Division and Strategic Planning. Senior district judges, active district judges, and magistrate judges serve on all of the committees. Magistrate judges are co-chairs of three of the committees. Bankruptcy judges serve on all committees except the Budget Committee, CJA Committee, Personnel and Operations Liaison Committee, and Jury Committee.

There are lawyers on the Attorney Admission Fund Committee and the CJA Committee. In addition, there are three joint bench\bar committees: the Bankruptcy Bar Committee, the MSBA\FBA Federal Court Committee, and the Southern Division working group.

Ad hoc committees on special projects are formed from time to time. For example, an ad hoc committee developed the Rules and Guidelines for Determining Lodestar Attorneys' Fees in Civil Rights and Discrimination Cases adopted two years ago.

The committee system works well, and we plan to continue it.

E. **Consolidation or Coordination of Court Agencies?**

The court has considered whether there should be consolidation of any or all of the four court agencies. Three of the agencies (the bankruptcy court clerk's office, the district court clerk's office, and the probation department) are already large organizations. To make them larger would make them less, not more, efficient. The pretrial services office, though substantially smaller, is managed effectively and well. It fulfills its own distinct mission effectively and with great accountability. Accordingly, the court has decided that consolidation would not be useful.

We have also considered whether to hire the functional equivalent of a district executive to oversee the operations of the four court units. We have concluded that this would be counterproductive. Our four unit chiefs are effective chief executive officers who run their agencies well. Their prestige and power within their own units should not be diminished by superimposing another level of authority over them. Moreover, there is no reason to insert another link in the chain of communication between the unit chiefs and the court.

Another factor that has led us to conclude that consolidation of the court agencies would not be useful is the high degree of cooperation that already exists among them. The four unit chiefs meet regularly, both with the chief judge and among themselves, to discuss issues of mutual concern and potential inter-agency coordination. The automation managers also meet regularly for the same purpose. The tangible effects of these cooperative efforts include the following: (1) hiring a DCN coordinator, whose position is funded by contributions made by each of the agencies; (2) an annual courtwide awards ceremony; (3) providing national leadership on the FAST4 project; and (4) writing uniform personnel policies that are included in the agencies'

employee handbooks. We are presently engaged in the process of developing the position of a courtwide budget coordinator who will (1) assist the district court, the district court clerk, and the chiefs of the pretrial services office and the probation department in the courtwide budgeting process, (2) study ways to "get the most bang for the buck" out of the monies allotted to us, and (3) work with the financial officers of the three units in establishing protocols and programs for various fiscal projections.

One of our continuing strategic objectives is to decrease costs and increase efficiency by studying, and when appropriate, implementing further coordinated activities. We will continue to direct our unit chiefs to explore the advisability of such actions, particularly in the areas of automation, group purchasing of supplies and services, and personnel management.

F. **Effective Communication**

One of our continuing strategic goals must be to continue our affirmative efforts to have effective communications among various court constituencies. The establishment of an e-mail network among all court employees (except court reporters) within the district and with the marshal's service has had a positive impact upon our ability to effectively convey information to one another. However, personal meetings remain the key to effective communication. There follows a list of meetings that are regularly held. Most of them are set in advance on a calendar circulated by the chief judge at the beginning of every fiscal year.

1. **Among Judges**

Bench meetings (held weekly; three times a month attended only by district judges and the clerk; once a month attended by all judges and representatives of various court constituencies)

Magistrate judges meetings (held weekly; attended by magistrate judges, chief district judge, and other interested district and bankruptcy judges)

Bankruptcy judge meetings (held monthly)

Court committees meetings (most held monthly)

2. **Between chief district judge and/or designee and others**

Unit chiefs as a group (monthly)

Clerk (as needed, at least weekly)

Chiefs of pretrial services and probation individually (bi-monthly)

Federal Public Defender (quarterly)

U.S. Attorney (quarterly)

Federal Public Defender's Office (annually)

U.S. Attorney's Office (annually)

Bankruptcy Bar Committee (quarterly)

MSBA/FBA Federal Court Committee (bi-monthly)

3. **Ceremonies, Conferences, and Social Events**

Investitures for new judges

Ceremonies for judges taking senior status

Bench/bar conference (annually or biennially)

Courtwide employee awards ceremony (annually)

Welcome breakfast for new law clerks (annually)

Bar admission ceremony for law clerks (annually or biennially)

Softball game, judges/law clerks (annually)

Dinner for retired judges and judges' widows/widowers (biennially)

Law clerk training program (annually)

CJA felony panel training program (semi-annually)

IX. **Court Reporters**

The court's plan for the assignment of court reporters operates in accordance with the following principles.

1. Court reporters are nominally assigned by the court to individual judges.
2. The assignment of court reporters to a particular judge on a given day lies exclusively within the purview of the person designated by the clerk of the district court to make such assignments.
3. Each court reporter is to be given an equal opportunity to earn equal income. This principle trumps the nominal assignment of court reporters to individual judges. Therefore, in the event that one court reporter legitimately complains that she has been given less opportunity than her peers to earn income, she is to be given priority in the next case in which it is anticipated that such an opportunity will be presented over the court reporter nominally assigned to the judge trying that case.

4. If any judge is dissatisfied with the court reporter nominally assigned to her, either the court reporter must be discharged or the clerk's office must assure that the reporter is assigned on an equal basis to all of the judges in the division in which he works.

5. The court may consider seniority in deciding the question of nominal assignments of court reporters to individual judges. Seniority, however, shall not be the only factor considered in deciding nominal assignments. Seniority shall never govern over the principle that each court reporter is to be given an equal opportunity to earn equal income.

X. **Courtroom Deputies and Docket Clerks**

Traditionally, the court has had a system of assigning docket clerks and courtroom deputies ("CRDs") individually by judge. Several years ago we modified that system with respect to docket clerks. They are no longer assigned to individual judges but instead are assigned work by "terminal digit" on a courtwide basis.

We have decided that it will probably be necessary to modify the individual assignment system for CRDs as well. Within the next year we will be studying the question of what system to adopt, e.g., courtwide assignment, periodic rotation of CRDs to different judges, nominal assignment of a CRD to a particular judge with annual rotation, or the like. In devising any new system we will consider inter-divisional differences and seek to maintain close and effective relationships among the CRDs and the judges. At the same time we must assure that there is proper management of the CRDs within the supervisory structure of the clerk's office itself.

XI. Criminal Justice Act

A. Panel Membership

Approximately three years ago we reduced the membership of our CJA felony panel from over four hundred lawyers to approximately one hundred lawyers. We did so because we believed that routine federal criminal practice has become far more sophisticated and complex than it once was (particularly since the advent of the Sentencing Guidelines) and that only attorneys who are experienced and well versed in the practice can provide adequate representation to indigent defendants. The panel is now structured so that every three years one-third of the panel members rotate off and must compete for a limited number of slots on the panel with other lawyers who have applied during the preceding year. We plan to keep the panel membership to a total of approximately 115 lawyers.

In order to remain on the felony panel members must attend one of two half-day training programs presented each year by the Federal Public Defender. The court sponsors a luncheon each year (paid for out of the Attorney Admissions Fund) after one of the sessions at which an award (named after John Adams because of his representation of the British soldiers involved in the Boston Massacre) is given to a panel member who has made a significant contribution to the CJA program during the preceding year. We plan to continue these practices.

B. CJA Supervising Attorney

Since 1997 the Administrative Office has been funding for us, under the auspices of the Judicial Conference's Defender Services Committee, on a pilot project basis a CJA Supervising Attorney position. The responsibilities of the CJA Supervising Attorney include the following: (1) voucher review; (2) serving as a resource to CJA panel members on various policies and

procedures; (3) performing background checks on applicants to the CJA felony panel and otherwise assisting the CJA committee in managing the panel; (4) helping to organize the felony panel training sessions; and (5) managing the budgeting process in capital cases.

The CJA Supervising Attorney has provided extraordinarily valuable services to the court. If the position is not nationally funded after the pilot project is completed, the court plans to continue the position out of its own budget.

C. **Budgeting In Capital and Other Complex Cases**

The court has instituted a budgeting process that counsel must follow in capital cases (both capital habeas and "direct death" cases). This process has been quite useful, and we plan to continue it. We also plan to consider extending the budgeting process to other complex and time-consuming CJA litigation.

D. **Annual Schedule of the CJA Committee**

The CJA Committee adheres to the following annual schedule in performing its duties. We plan to continue the schedule.

January	CJA panel attorney performance evaluation; review of mentor program
February	Continuation of CJA felony panel evaluation; any necessary removals from the panel
March	Review of panel composition (number, diversity, geographical location)
April	Consider applications to felony panel
May	Consider applications to felony panel

June	Review of appointment and voucher procedures; report on May panel training program
July	Review Clerk's Office procedures regarding vouchers; review CJA forms
August	(No meeting unless special need exists)
September	Review of expert\investigative rates; consider any other issues regarding experts\investigators
October	Report on budget matters from preceding fiscal year; discussion of projected budget for present fiscal year
November	Consider items to include in annual mailing to felony panel attorneys; report on October panel training program
December	Strategic planning

XII. **History Projects**

There are a variety of history projects that should be undertaken by the court. These include (1) updating of the biographical sketches of district judges written by Walker Lewis and Bankruptcy Judge James Schneider; (2) compiling similar sketches of magistrate judges and bankruptcy judges; (3) establishing a courthouse museum; (4) encouraging lawyers to write papers, to be delivered at law clubs or inns of court and thereafter submitted for inclusion in an anthology, about lawyers who practiced in the district of Maryland, members of Congress who had a direct connection (either as legislators or practicing lawyers) with the court, and judges of the court; (5) videotaping court ceremonies; (6) videotaping interviews with senior judges; (7)

having formal portrait photographs of retired magistrate judges and bankruptcy judges taken and hung in the courthouse, and (8) considering the commission of a formal history of the court to be written by a professional historian.

XIII. Jury Management

We have an effective jury plan in place. It must, however, be reviewed biennially to assure that it is working as well as possible.

We presently follow the practice of having the clerk regularly circulate to the judges a list of the beginning terms of petit jurors so that the judges will know not to begin a long jury trial at the end of a jury term. We plan to continue that practice.

Ideally, we would like to have a "one day/one trial" or perhaps a "one week/one trial" policy, similar to that in effect in many of the Maryland state courts. In all probability such a policy is not feasible in light of the relatively few trials we have in any one week. However, we should continue to consider whether technological advances make such a system realistic.

We need to review our orientation and other jury procedures from the jurors' point of view. In recent years, because of a shortage of personnel, we have stopped the practice of sending certificates of appreciation to jurors. We should reinstitute that practice.

We should consider ways in which we can better engage in advance planning for long trials, including drafting standard questionnaires to send out to potential jurors.

We have not in recent years conducted any study of grand jury terms. We should ask our jury committee to undertake such a study within two years.

XIV. Magistrate Judges

A. Nature of Caseload

Magistrate judges presently perform a wide variety of duties in the following areas:

(1) settlement and other forms of mediation conferences; (2) trial of civil cases by consent; (3) misdemeanor trials and other criminal dispositions; (4) routine pretrial proceedings in felony cases; (5) social security appeals; (6) discovery disputes; (7) evidentiary hearings in prisoner cases; (8) supplementary proceedings; and (9) habeas corpus cases.

We have considered placing magistrate judges "on the wheel" with district judges to receive a regular draw of civil cases. The district judges have decided against this change (after conferring with the magistrate judges who agree with the decision) for two reasons. First, we have a fundamental misgiving about requiring counsel and parties to opt out in order to have their cases heard by a district judge (as a system of placing magistrate judges on the regular draw requires them to do). Second, the magistrate judges provide tremendous service to the court and the public under the present caseload assignment system, and they would not have time to meet their existing responsibilities were they to take a regular draw in civil cases.

We have also considered having magistrate judges take guilty pleas (on a report and recommendation basis) in felony cases and having a "discovery magistrate judge" continually available to resolve routine disputes as they arise. Again, we have decided against these changes because of the adverse impact they would have upon the magistrate judges' schedules.

B. Administrative Issues

Magistrate Judges presently serve on all of the court committees. They are also eligible to serve as co-chairs of the committees, and three of them now do so. We plan to continue these practices.

We traditionally have had a chief magistrate judge. Again, we plan to continue this practice. However, after our present chief magistrate judge retires (in May 1999) we plan to institute a policy of having the chief magistrate judge appointed for a one year term after which she would be eligible to be reappointed for no more than two successive three year terms. This would limit the tenure of the chief magistrate judge to seven years (the same limitation that applies to the chief district judge).

Presently, case assignments in the division in which the chief magistrate judge does not sit are handled by another magistrate judge in that division, in consultation with the chief magistrate judge. We plan to continue that practice.

Our present chief magistrate judge has expressed a willingness to be recalled upon his retirement, and we plan to accept his offer. Although our other magistrate judges will not be eligible for retirement for many years, we believe that the recall procedure can be extremely advantageous both to the court and to retired magistrate judges, and we hope to start a tradition of continuing to utilize the services of our retired magistrate judges, just as we do our senior district judges.

XV. New Judgeships

The Judicial Conference has recommended to Congress one additional permanent district judgeship and three additional bankruptcy judgeships for the district. We anticipate that within five years our caseload statistics will support (over and above the present recommendation) one more district judgeship, possibly one more bankruptcy judgeship, and an additional magistrate judgeship. We anticipate that most of the growth in caseload will occur in the southern division.

We are also keeping a close eye on the docket at the Patuxent Naval Station in St. Mary's County in the southern division. We had anticipated a substantial growth in that docket by this time but it has not yet occurred. Because in travel time the Patuxent Naval Station is approximately one and a half hours away from the Greenbelt courthouse, if there is a substantial growth in the docket, we will consider requesting a part-time magistrate judgeship there.

XVI. Personnel Issues

A. Inter-Agency Uniformity

Our unit chiefs have worked to assure that there is inter-agency uniformity as to all fundamental employee policies. These policies are defined in the same manner in each unit's employee handbook. We plan to continue this practice in the future.

B. Performance Incentives

In order to instill high morale among employees and to enhance the level of service provided both to internal and external court constituencies, the court has instituted a variety of performance incentives. It has an annual courtwide ceremony at which cash awards for

exceptional individual performance are given. The recipients of these awards are nominated and selected by a committee composed of representatives from all four court units. Smaller "spot" awards (consisting of tangible items such as gifts certificates, baseball or movie tickets, etc.) are given throughout the year to employees who make significant contributions on a given project or on a particular occasion.

In addition, the court has instituted a productivity incentive awards program to give across-the board cash payments to all employees in any court unit that meets certain performance standards. These standards are objectively defined, and they are established prior to the beginning of the fiscal year. One of the standards that must be met unit-wide is a highly favorable response to "customer satisfaction surveys." We are cognizant of the fact that our program could be criticized by those who might argue that bonuses should not be paid to government workers. However, we are doing nothing different from what responsible employers in the private sector do, and our program is designed to rebut the more cogent criticism that "government bureaucrats have no incentive to provide good service." As long as we can afford the program and are satisfied that it is enhancing employee performance, we plan to continue it.

C. **Management and Morale**

The unit chiefs have commendably taken a number of steps to benefit their employees, including establishing (1) the awards incentive programs, (2) a transit subsidy program, and (3) a matching grant program for those pursuing undergraduate or graduate degrees. Moreover, in-office training programs and improved management have made the working environment within the units much more professional than it was several years ago.

All the judges, as well as the unit chiefs, are committed to making the courthouse a satisfying and rewarding place to work. Employees in the Clerk's Office and other agencies should be offered training, opportunity for career development, and recognition for a job well done. Improving both morale and management was a reason for the creation of the court's Personnel and Operations Liaison Committee, a group of two district and two magistrate judges who work closely with the Clerk and the Chief Judge and report back to the bench as a whole.

The court recognizes that there have been significant changes in the past two years in automation, technology, personnel, and operational procedures of the Clerk's Office. While fully supporting those changes, the court has also identified as an immediate priority working with the Clerk, and the other unit chiefs, to improve communications, permit the expression of legitimate grievances, and take advantage of constructive employee proposals for the resolution of those grievances. There are many dedicated, hard-working, and experienced members of our Clerk's Office whose advice and support will be essential to the court's continued progress.

XVII. Policy Planning and Implementation

As emphasized throughout this report, policies remain sound only if they are subject to regular review through an established process. Equally true, policies are relevant only to the extent that they are effectively implemented. This requires communicating the policies to all court personnel, having on-going training programs, and putting in place management controls to assure they are being complied with.

A. **Planning**

As set forth in the introduction to this report, strategic planning must be continuous. This report is to be reviewed at least biennially by the strategic planning committee and unit chiefs and formally reviewed, amended, and readopted by the court every four years.

Court committees should adhere to their annual schedules requiring annual review of policies, practices, and procedures falling within their respective jurisdictions.

Each unit chief should establish a policy review process within his agency designed to assure that all fundamental policies are reviewed at least biennially and that employee manuals, training materials, and office-wide forms are reviewed at least annually to assure they are accurate and up-to-date. Each unit chief should submit to the chief judge and the strategic planning committee on or before December 31, 1999, a report describing the policy review process he has established.

B. **Training**

Each unit chief is responsible for establishing training programs in which employees are taught and retaught not only the skills necessary for their particular jobs but the fundamental policies of the court. Much of the training, particularly in the area of automation, is now done on a cross-agency basis. One of the continuing agenda items of the unit chiefs' meetings is updating and expanding joint training programs.

It is the responsibility of the chief district judge, the chief bankruptcy judge, and the chief magistrate judge or their designees to train new judges as they come on board. The court has a training manual for new district judges that was last updated five years ago. This manual should be rewritten to incorporate new policies, practices, and procedures that have been adopted since

its last revision. Consideration should be given to writing similar manuals for new bankruptcy and magistrate judges.

The personnel manager of the clerk's office meets with incoming law clerks and reviews with them personnel policies, procedures, and practices. She also gives them a quiz designed to make them think about, and learn the answers to, ethical questions. Members of the automation department meet with law clerks about computer matters, including the court's policies concerning security and usage restrictions.

In September 1998 we began a CLE program (consisting of both oral presentations and written materials) on various areas of the law in which law clerks must be knowledgeable, including summary judgment standards, the McDonnell-Douglas scheme of proof, Maryland employment law, IDEA, personal jurisdiction, bankruptcy proceedings, ERISA preemption, qualified immunity, and discovery issues. The program was successful, and we plan to continue it in the future.

C. Management and Supervision

In order to assure that training has been effective, it is necessary that management and supervisory controls be in place to assure that established policies, practices, and procedures are being followed. As indicated above, each unit must annually review its office-wide forms, employee manuals, and training materials to assure that they are accurate and up-to-date. In addition, court managers and supervisors must make sure that they have effective quality control mechanisms in place and that they are themselves fully cognizant of any amendments that have been made to policies, practices, and procedures when they review the work of their subordinates. To that end, at the beginning of each fiscal year each unit chief should set a schedule calling for

annual meetings between herself, her chief deputy, and division managers, and for semi-annual meetings between division managers and their supervisors, to review any changes made in policy, practices, or procedures during the preceding six months and generally to discuss operational matters.

XVIII. Pretrial Detention Facilities

There is no federal pretrial detention facility in the district. Many of our pretrial detainees are housed at the Baltimore City Detention Center. The physical conditions, medical care, internal security, attorney access facilities, and management at that institution are deplorable. For many years one of the court's highest priorities has been to persuade the executive and legislative branches to have a federal pretrial detention facility constructed in the area. Some progress has been made as a result of these efforts, and we will continue to do all we can to remedy the problem by working toward the construction of such a facility (by either the Bureau of Prisons or by a private contractor under a leasing arrangement with the Marshal's Service) and, in the interim, by having the Marshal's Service contract with the State of Maryland for federal use of a facility other than BCDC.

XIX. Rules and Forms

A. Local Rules and Appendices

There is an established process for amending the Local Rules biennially which assures that they remain up-to-date. The major decisions which must be made about the local rules in the near future are (1) whether to adopt as appendices form interrogatories, requests for production, and

confidentiality orders, and (2) whether to adopt “civility guidelines.” Of course, we must also continue to assure that our local rules are amended to conform with any amendments to the national rules.

B. Forms

The court uses numerous standard orders in the management of cases, such as (1) scheduling orders; (2) Rule 4(m) show cause and dismissal orders; (3) show cause and dismissal orders regarding non-compliance with filing requirements in bankruptcy appeals; (4) letters to counsel requesting a status report or the filing of a motion for default when service has been effected and no timely response filed; (5) settlement orders; (6) orders referring cases to magistrate judges for various purposes; and (7) instructions to counsel re trial procedure and conduct. These orders are on templates accessible by chambers and the clerk's office. They are reviewed each year by the Rules and Forms Committee to assure they remain current with rules changes and case law and to incorporate language changes suggested by other judges. After the changes are approved by the court, they are made on the templates.

The use of standard forms has several benefits: (1) it is helpful to members of the bar; (2) it assures that the forms remain current and accurate; and (3) it eases the training of new judges, chambers staffs, and clerk's office personnel. We plan to continue the use of such forms in the future.

C. Annual Schedule of the Rules and Forms Committee

The Rules and Forms Committee adheres to the following annual schedule:

October	Organizational meeting
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November	Review proposed Rules amendments
12/15	Deadline for public suggestions <u>re</u> Local Rule amendments
January	Review proposed Rules amendments
February	Review proposed Rules amendments
March	Finalize proposed Rule amendments for recommendation to the court for approval
4/1	Deadline for publication of proposed amendments
April meeting	Consider public comments; begin forms review
May 1	Deadline for public comments
May	Finalize Rules amendments; continue review of forms
June	Finalize changes to forms for recommendation to the court

XX. Security

The security concerns presented by the basic structure of the Baltimore courthouse aside, the existing security arrangements at both the Baltimore and Greenbelt courthouses and at all the locations where our magistrate judges sit are presently adequate. We have four concerns as we look to the future:

1. If the Sugarman sculpture is re-installed at the Baltimore courthouse without reorienting the courthouse toward Pratt Street and enclosing the present Lombard Street entrance as an urban park, the sculpture may be a security hazard.

2. Unless an addition to the Greenbelt courthouse is constructed within ten to twelve years, we will have to remove some of the court's operations from the courthouse, causing

substantial security problems and vastly increasing the costs of providing security to judges who are off-site.

3. The Baltimore courthouse requires 24-hour security. We must continue to work to prevent any national efforts to reduce that security in Baltimore and at other similarly situated courthouses.

4. In recent years there has been a dramatic increase in multi-defendant cases involving crimes of violence. The marshal and his deputies have provided exemplary service to the court in those cases, but the cases place a tremendous strain upon the marshal's resources.

Another matter requiring our continuing attention is to assure that the CSOs are courteous to visitors to our courthouses. Although there are unpleasant and potentially dangerous persons who come through our doors who make the CSOs' job extremely difficult, a courthouse is a public building and should be welcoming to the members of the public.

XXI. Senior Judges

Senior judges participate fully in the work of the court. Two of them take a reduced percentage of the regular civil draw. One tries mostly criminal cases. Another is not "on the wheel" but takes cases from other judges when summary judgment motions have been filed; he decides the motions and, if he denies them, tries the case.

Senior judges also attend weekly bench meetings and serve on all court committees. Pursuant to Judicial Conference policy, they cannot vote on the selection of magistrate judges. However, they are welcome to participate in the interviews of the candidates and express their views. They also have an equal voice on all other matters of court administration. Since we have

always been able to make our decisions by consensus or near-consensus, we have not had to confront the issue of whether we would permit a senior judge's vote to swing the balance on a particular question.

Our senior judges bring wisdom to our deliberations, and they carry a fair share of our load. We could not function effectively without them.

XXII. Staff Attorneys

We presently have four staff attorney positions. The staff attorneys administer our prisoner docket, do substantive legal work in prisoner civil rights and habeas corpus cases and on preliminary issues in other pro se cases, and review bills of costs. Their substantive work in a particular case is reviewed by the judge to whom the case is assigned. They are also subject to the general supervision of a judge who is in charge of staff attorney operations.

We anticipate that our prisoner filings will gradually decrease over time as the result of congressional legislation placing limitations on prisoner litigation of all types. We hope that if the filings do decrease, any staff reductions that are required can be accomplished only through attrition (as the Administrative Office now allows). In any event, we are considering whether to have our staff attorneys begin to work on (and develop expertise in) social security appeals to assist the magistrate judges in that work.

The staff attorneys do excellent work, take a major share of the load in the areas for which they have responsibility, and contribute greatly to the effective working of the court.