

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**



**FISCAL YEAR 2020 ANNUAL REPORT**

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

**COURT UNIT EXECUTIVES**

Felicia C. Cannon, Clerk, U.S. District Court

Mark A. Neal, Clerk, U.S. Bankruptcy Court

Randall H. Canal, Chief, U.S. Probation and Pretrial Services

## **DISTRICT JUDGES**

### Active Judges

Richard D. Bennett  
Catherine C. Blake  
James K. Bredar, Chief  
Theodore D. Chuang  
Stephanie A. Gallagher  
Paul W. Grimm  
George Jarrod Hazel  
Ellen L. Hollander  
George L. Russell, III  
Paula Xinis

### Senior Judges

Deborah K. Chasanow  
Peter J. Messitte  
J. Frederick Motz

## **MAGISTRATE JUDGES**

### Full-Time

Deborah L. Boardman  
A. David Copperthite  
J. Mark Coulson  
Charles B. Day  
Thomas M. DiGirolamo  
Beth P. Gesner, Chief  
Gina L. Simms  
Timothy J. Sullivan

### Part-Time

C. Bruce Anderson

### Recalled

Susan K. Gauvey  
Jillyn K. Schulze

## **BANKRUPTCY JUDGES**

### Active Judges

Nancy V. Alquist  
Thomas J. Catliota, Chief  
Maria Ellena Chavez-Ruark  
Robert A. Gordon  
Michelle M. Harner  
Wendelin I. Lipp  
David E. Rice  
Lori S. Simpson

### Recalled Judges

Duncan W. Keir

**COURTHOUSES AND FACILITIES OF THE DISTRICT OF MARYLAND**



**Northern Division Courthouse  
Baltimore, Maryland**



**Southern Division Courthouse  
Greenbelt, Maryland**



**Courtroom, M.R. Toulson Federal Building  
Salisbury, Maryland**

## Table of Contents

Milestones .....	6
Court Organization and Governance.....	7
Bench/Bar Relationships .....	7
Community and International Outreach.....	8
<b>DISTRICT COURT .....</b>	<b>10</b>
General Case Statistics .....	10
Multidistrict Litigation .....	10
Intercircuit Assignments.....	10
Civil Justice Reform Act Reporting .....	10
Death Penalty Litigation.....	10
Patent Pilot Project .....	11
Magistrate Judge Statistics .....	11
Interpreter Statistics.....	12
Clerk’s Office.....	13
Finance.....	13
Human Resources .....	13
Information Technology .....	14
Naturalization .....	17
Procurement.....	17
Space & Facilities.....	17
Criminal Justice Act (CJA) Coordinating Attorney.....	18
Pro Se Staff Attorneys.....	20
Pretrial Detention .....	21
<b>BANKRUPTCY COURT.....</b>	<b>22</b>
Clerk’s Office.....	25
Human Resources .....	26
Information Technology .....	26
Debtor Assistance Project .....	27
<b>PROBATION AND PRETRIAL SERVICES.....</b>	<b>27</b>
Pretrial Services Department.....	27

Presentence Department.....	28
Post-Conviction Supervision Department.....	29
Training and Staff Development .....	30
Conclusion .....	30

## MILESTONES

The District of Maryland marked numerous milestones during fiscal year 2020.

On November 8, 2019, the Court celebrated the appointment of a new district judge with the formal investiture ceremony for Judge Stephanie A. Gallagher. Judge Gallagher previously served as a magistrate judge since 2011. Senator Benjamin L. Cardin and Senator Christopher J. Van Hollen made formal remarks during the ceremony. Judge Gallagher was informally sworn in on September 15, 2019, and was appointed to replace Judge William D. Quarles, Jr., who retired in February 2016.

On November 22, 2019, the Court held an investiture ceremony for newly appointed Magistrate Judge Deborah L. Boardman. Judge Boardman, who was sworn in at an informal ceremony on September 25, 2019, was appointed to replace Judge Gallagher.

On November 26, 2019, the District of Maryland mourned the passing of the Honorable Wendelin I. Lipp. Chief Judge Lipp was sworn in as a Bankruptcy Judge on April 3, 2006 and served in the Greenbelt Division. She obtained her B.A. with honors from the University of Maryland in 1974 and her J.D. from the University of Baltimore School of Law in 1978. Judge Lipp was formerly a principal with the law firm of Paley, Rothman, Goldstein, Rosenberg, Eig & Cooper Chartered in Bethesda, Maryland, where she headed the firm's Bankruptcy and Creditors' Rights Practice Group, concentrating in the areas of debtor and creditor rights, bankruptcy, insolvency and financial work-outs. Judge Lipp was Board Certified in Business Bankruptcy Law by the American Board of Certification, and as an attorney she practiced regularly in the Bankruptcy Courts in Maryland, the District of Columbia and Virginia. She served as a Chapter 7 panel trustee in the Greenbelt Division from 2003 to 2006. Judge Lipp also served as President of the Bankruptcy Bar for the District of Maryland from 2003 to 2004. She was a member of the Walter B. Chandler American Inn of Court, lectured and authored articles on a variety of bankruptcy issues and appeared on the Cable TV program, "Law School for the Public."

On November 26, 2019, the District Court designated Bankruptcy Judge Thomas J. Catliota as Chief Bankruptcy Judge, for a seven-year term. Judge Catliota succeeded Judge Lipp, who sadly passed away after serving as Chief Judge for only six months. The United States Court of Appeals for the Fourth Circuit reappointed Chief Judge Catliota to serve an additional term of office for fourteen years beginning on April 3, 2020.

In March 2020, in response to the COVID-19 pandemic, Chief District Judge James K. Bredar was selected to serve on the Judiciary's National Coronavirus Task Force. Judge Bredar is one of four chief judges on the Task Force.

On December 5, 2019, the Court and the Historical Society of the United States District Court for the District of Maryland held a reception for the official opening of the Historical Society's Civil War exhibit. The exhibit is housed on the seventh floor of the Baltimore Courthouse.

On December 6, 2019, the district held a retirement celebration for Steven D. Akers, Assistant Chief Deputy U.S. Marshal, who retired after twenty-nine years of service with the U.S. Marshal's Service in the District of Maryland.

Sadly, the Honorable James F. Schneider passed away on April 6, 2020. Bankruptcy Judge Schneider retired from the Bench on May 9, 2017, following more than 35 years of service, making him the longest-serving federal or state judge in Maryland. Judge Schneider was immediately recalled and continued to serve as a recalled Bankruptcy Judge until his passing. Judge Schneider also served as Chief Bankruptcy Judge from 2001 to 2005. He graduated from University of Baltimore in 1969 with a B.A. in History *summa cum laude* and from the University of Baltimore School of Law in 1972 with a J.D. *magna cum laude*. He served as law clerk to The Honorable Albert L. Sklar of the Supreme Bench of Baltimore City. From 1973 to 1978, he served as Assistant State’s Attorney for Baltimore City. He was appointed Historian and Archivist by the Supreme Bench of Baltimore City (now the Circuit Court for Baltimore City) in 1977. From 1978 to 1982, he served as General Equity Master to the Supreme Bench.

In June 2020, the United States Court of Appeals for the Fourth Circuit selected Maria Ellena Chavez-Ruark to fill the vacancy for United States Bankruptcy Judge in the District of Maryland that was created by the untimely passing of Judge Lipp. Judge Ruark was sworn in on November 18, 2020. Before taking the bench, Judge Ruark was a partner in the Bankruptcy and Restructuring practice group at Saul Ewing Arnstein & Lehr LLP in Baltimore, with extensive experience representing debtors, creditors’ committees, secured and unsecured creditors, landlords, lessors, purchasers of assets, and trustees in complex insolvency proceedings. Judge Ruark clerked for Judge Schneider and The Honorable Susan M. Marzetta of the Circuit Court for Baltimore City.

On July 14, 2020, The Maryland Chapter of the Federal Bar Association hosted a “Brown Bag” luncheon. The event is attended by summer associates at local law firms, interns with the U.S. Attorney’s Office and Federal Public Defender’s Office, or attendees from other interest groups. District Judge Ellen L. Hollander, Board Member, and District Judge Richard D. Bennett attended the event on the Court’s behalf. Because of the pandemic, this year’s event was held virtually.

## **COURT ORGANIZATION AND GOVERNANCE**

Amendments to several Local Bankruptcy Rules and new Local Bankruptcy Rules 9013-7 and 9027-2 were drafted by the Bankruptcy Court, published for public comment, and implemented with an effective date of December 1, 2019. The amendments were necessary to clarify and improve readability of existing rules, to promote internal consistency, and to conform certain local rules to governing caselaw. Also, effective December 1, 2019, the Bankruptcy Court implemented a new Application for Payment of Unclaimed Funds along with new Instructions for filing Application for Payment of Unclaimed Funds. In addition, amendments to Local Bankruptcy Rules 1009-1, 2002-2, 2070-1, 3003-1, 3022-1, 4004-1, and 9001-1, and new Local Bankruptcy Rule 9029-2 and Appendix I were drafted by the Bankruptcy Court, published for public comment and implemented with an effective date of February 19, 2020. These amendments were necessitated to reflect implementation of the Small Business Reorganization Act that took effect February 19, 2020.

## **BENCH/BAR RELATIONSHIPS**

Cooperative efforts among the bench and bar continued with regular committee meetings, including the Attorney Admissions Fund Committee, the Bench-Bar Liaison Committee, and the Bankruptcy Bar Association/District Court Liaison Committee. At these meetings, committee members addressed court business, and reviewed local rules and procedures. The court holds a biennial Bench-Bar

Conference, which includes the presentation of an award recognizing an attorney, law firm, or group of attorneys for outstanding service to the court.

## **COMMUNITY AND INTERNATIONAL OUTREACH**

### Community

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

On October 10, 2019, the Court held the Eleventh Biennial Bench-Bar Conference at the Baltimore Courthouse. The conference featured keynote speaker Paul Rosenzweig, founder of a homeland security consulting company, Red Branch Consulting, and senior advisor to The Chertoff Group.

On October 24, 2019, Bankruptcy Judge Robert A. Gordon and Judge Catliota served as District of Columbia area Judicial Co-Chairs for the diversity symposium, "Roadways to the Federal Bench, Who, Me? A Bankruptcy Judge?" The event was presented by the Judicial Conference of the United States, Committee on the Administration of the Bankruptcy System, to foster diversity on the bankruptcy bench. In addition to organizing and implementing the DC program, Judge Gordon spoke at the event and Judge Catliota participated in the round table discussions. The District of Maryland was well represented, as District Court Judges George Hazel and Theodore Chuang, Magistrate Judges Charles Day and Gina Simms, and Bankruptcy Judges David E. Rice, Lori S. Simpson, and Michelle H. Harner all attended and participated in the round table discussions.

Also in October 2019, Judge Catliota moderated a panel discussion on "Blockchain is Coming: Blockchain Basics and How It Might Arrive at a Bankruptcy Near You," and Judge Harner served as the Chair of the Education Committee at the annual conference of the National Conference of Bankruptcy Judges held in Washington, D.C.

Judge Gallagher hosted the annual Open Doors program in Baltimore on November 15, 2019. The program, which was organized and hosted by Magistrate Judge Susan K. Gauvey for over a decade, introduces students from various local high schools to the federal judiciary system and includes mock trials and discussions with unit executives and judges.

In November 2019, Judge Harner moderated a program entitled, "A Discussion of the New Small Business Reorganization Act of 2019," sponsored by the Maryland Bankruptcy Bar Association and IWRIC, in Baltimore, MD.

In December 2019, holiday open houses and staff luncheons were held in the Baltimore and Greenbelt Courthouses to thank staff and members of the bar for their commitment and dedication to the Court throughout the year. Judge Harner spoke on the Small Business Reorganization Act at ABI Talks, part of the "American Bankruptcy Institute (ABI) Winter Leadership Conference", in Rancho Palos Verdes, CA. Judge Catliota appeared on the last edition of "Eye on Bankruptcy", a series sponsored by the Rochelle News and ABI, which aired on December 26, 2019.

Judge Harner, Clerk Mark A. Neal, and Chief Deputy Clerk Thomas C. Kearns continued their



work with the Maryland Chapter of CARE (Credit Abuse Resistance Education). Prior to the pandemic, they provided several CARE in-person classroom presentations in Maryland schools and subsequently recorded educational financial literacy sessions for students that teachers could use in the virtual classroom.

Judge Harner received the CARE 2019 Volunteer of the Year award for her outstanding work with the Maryland CARE Chapter, including reviving the Chapter, identifying, training and coordinating a core team of volunteer leaders, and making her presence known in the Maryland schools by presenting 11 times in 2019. Upon presenting the award to Judge Harner in December 2019 at the CARE Holiday Reception in Palo Rancho Verdes, CA, it was noted that the model and early success of the Maryland CARE Chapter, was already being replicated in other CARE Chapters looking to find their start.

In January 2020, Judge Harner was a Judge for the American College of Bankruptcy Fourth Circuit Moot Court, in Washington, DC.

In February 2020, Judge Harner was a Presenter at the DECA Maryland State Competition, in Hunt Valley, MD, and also was a Judge at the American Bankruptcy Institute Duberstein Moot Court Competition, in New York, NY. Judge Harner also participated in a special abiLIVE webinar titled “What’s the Last Word on SBRA?” presented with other members of the ABI’s Commission to Study the Reform of Chapter 11. Portions of the webinar were later published in an April 2020 ABI Journal article titled, “Providing a ‘Last Word’ on SBRA.”

In March 2020, Judge Harner was the Moderator for a presentation on “Recently Enacted Changes in Bankruptcy Law,” at the Annual Bankruptcy Seminar sponsored by the Virginia CLE, in Fairfax, VA.

In June 2020, Judge Harner was a Speaker at the CARE Virtual Town Hall on “Reflections on the 2019-20 School Year,” sponsored by CARE.

Judge Harner served as the Chair of the Dodd-Frank Study Working Group for the Administrative Office of the United States Courts. The Working Group submitted its report to Congress in July 2020, which is available at <https://www.uscourts.gov/statistics-reports/publications/dodd-frank-act-report>.

### International

On November 22, 2019, District Judge Messitte hosted a delegation of Brazilian students and teachers in the Greenbelt Courthouse to observe operations of the federal judiciary.

Bankruptcy Judge Alquist traveled to Kiev, Ukraine in November 2019 to participate in a workshop with judges, accountants, and law professors with respect to Ukraine’s newly enacted insolvency laws. During the same month, in Casablanca, Morocco, Judge Catliota presented at the “Bankruptcy Workshop: The Role of Courts in Successful Reorganization Proceedings”. The program was co-sponsored by the United States Department of Commerce’s Commercial Law Development Program and the Presidency of the Moroccan Public Prosecutor’s Office.

# DISTRICT COURT

## General Case Statistics

In the fiscal year, 3,626 civil cases were filed as compared to 3,884 civil cases in fiscal year 2019. Criminal cases included 383 filings (involving 554 defendants) at the end of September 2020, compared to 497 criminal cases (involving 766 defendants) filed in the prior fiscal year. The Court also closed 3,255 civil and 320 criminal cases during this fiscal year. As of September 30, 2020, our district weighted case filing per judgeship was 385, down from 446 as of September 30, 2019.

## Multidistrict Litigation

The District of Maryland has two pending Multi-District Litigation (MDL) cases: Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation (MDL 2775), which was certified and transferred to our district on April 5, 2017. The case is assigned to Judge Blake and currently has over 850 pending cases. On February 6, 2019, Marriott International, Inc., Customer Data Security Breach Litigation (MDL 2879) was transferred to the District of Maryland and assigned to Judge Paul W. Grimm. It currently has over 80 pending cases.

## Intercircuit Assignments

Although our district has a longtime practice of assisting other courts by offering to serve on intercircuit assignments throughout the year, there were no such assignments in fiscal year 2020.

## Civil Justice Reform Act Reporting

The District Court, which consistently performs well in managing its pending caseload, reported 13 pending motions for six months or longer on the March 31, 2020 report and 17 pending motions on the September 30, 2020 report. The bench also reported 70 cases pending three years or more on the March 31, 2020 report and 246 cases pending three years or more on the September 30, 2020 report. Of note, 159 of these cases arise as part of the Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation (MDL 2775) now pending before Judge Catherine C. Blake.

## Death Penalty Litigation

With the exception of the case United States v. Lighty (PJM-03-0457), the following cases were pending a determination by the Department of Justice regarding pursuit of the death penalty. For United States v. Lighty, a motion to vacate under 28 U.S.C. § 2255 is pending.

(1) United States v. Lighty (PJM-8:03-0457)  
Judge Peter J. Messitte  
Counsel: Seth Rosenthal and Julie Brain

(2) United States v. Briscoe (RDB-1:20-139)  
Judge Richard D. Bennett

Counsel: William Purpura and Teresa Whalen

(3) United States v. Ordonez-Zometa (PX-8:20-229)

Judge Paula Xinis

Counsel: Gary E. Proctor and Christopher C. Nieto

(4) United States v. Trayvon Hall (CCB-1:19-0568)

Judge Catherine C. Blake

Counsel: Joseph Murtha and Jose Molina

(5) United States v. Geovany Dominguez Escobar (PWG-8:21-59)

Judge Paul W. Grimm

Counsel: Joseph Balter and Christopher Nieto

(6) United States v. Jordan Moreno (PWG-8:21-59)

Judge Paul W. Grimm

Counsel: Michael Lawlor and Nicholas Madiou

#### Patent Pilot Project

The District Court continued its ninth year of participation in a ten-year national pilot program for studying patent cases. In fiscal year 2020, nine new patent cases were filed in the District, three of which were either initially assigned or randomly reassigned to our pilot judge: Judge George J. Hazel.

The following chart shows the District Court's patent case statistics for the year ending on September 30, 2020, as well as the statistics for the two prior fiscal years.

	<b>FY 18</b>	<b>FY 19</b>	<b>FY 20</b>
Patent Cases (NOS: 830)	7*	9*	11*
Patent Cases Assigned or Reassigned to Patent Judges	3	3	3
Percent of Patent Cases with Patent Judges	43%	33%	27%

**\*Excluding multidistrict litigation assignments**

#### Magistrate Judge Statistics

Various federal arresting agencies issued 12,114 new misdemeanor and petty offense citations in fiscal year 2020. The magistrate judges presided over 903 mandatory appearances and 2,316 collateral appearances. Dispositions were reached as to 16,588 citations. Of the fines issued by magistrate judges, \$1,250,259.46 has been collected.

	<b>Initial Appearances</b>	<b>Detention Hearings</b>	<b>Arraignments</b>	<b>Arrest Warrants</b>	<b>Search &amp; Seizure Warrants</b>	<b>Criminal Complaints</b>
<b>Northern Division</b>	420	237	111	444	1,017	61
<b>Southern Division</b>	290	180	133	523	1,098	138
<b>TOTAL</b>	710	417	244	967	2,115	199

During the fiscal year, consents to proceed before magistrate judges were filed in 769 cases (454 of which were Social Security Administration appeals, and 130 were Magistrate Pilot Consent cases). Magistrate judges also handled 86 referrals for discovery motions, 87 referrals for post-judgment matters, and 637 referrals for other reasons (primarily settlement conferences).

One of the primary responsibilities of magistrate judges is holding settlement conferences. In fiscal year 2020, the magistrate judges conducted 625 Settlement/Mediation conferences. This program has been very successful because the magistrate judges devote the time necessary to master the record and explore settlement in depth with the parties and counsel.

#### Interpreter Statistics

<b>Language</b>	<b>Event(s)</b>	<b>Cost</b>
American Sign Language	3	\$1,570
Cambodian (Khmer)	2	\$644
Creole	1	\$340
Dari	1	\$340
French	2	\$566
Gujarati	1	\$631
Hebrew	4	\$940
Kinyarwanda	1	\$340
Korean	1	\$549
Mandarin	11	\$4,499
Polish	1	\$111
Portuguese	2	\$532
Punjabi	1	\$226
Romanian	1	\$226
Spanish	293	\$76,889
Vietnamese	3	\$678
<b>TOTAL FY 2020</b>	<b>328</b>	<b>\$89,081</b>
FY 2019	689	\$186,200
FY 2018	509	\$172,282
FY 2017	413	\$141,989

## CLERK'S OFFICE

### Finance

The Finance Department implemented several key improvements. One enhancement was automating the processing of checks from incarcerated individuals, allowing for quicker processing times. Another improvement was the utilization of electronic bill pay in response to the COVID-19 Pandemic. The Court has pushed for more use of Pay.gov, which provides the public with greater access to Court services. Finance also implemented the Judiciary Electronic Travel System (JETS). This new system streamlines travel allocations and payments while complying with audit guidelines.

In addition to the above, the finance office managed a deposit fund of \$6,565,918.62 and a registry fund with a balance of \$52,762,256.47. The District Court also continued to maintain a non-appropriated attorney admissions fund. The balance of this account was \$317,856.01 as of the end of September 2020.

### Human Resources

The District Court Clerk's Office was allotted 110 positions, including court reporters and pro se staff attorneys. This decrease in allotments from the previous fiscal year required the Clerk's Office to examine job responsibilities and workflows prior to making any hiring decisions.

During fiscal year 2020, the District Court bade farewell to several staff members. Peter Lopez, HR Specialist; Youssef Zaki, IT Technician; Krisztian Mazo and Reggie Jackson, Procurement Specialists; Martin Giordano and Lisa Bankins, Official Court Reporters; Kelly Saah, Courtroom Deputy; Karen Murowski and Anna Searcy, Pro Se Staff Attorneys; and, Daniel Santos, Case Administrator, left the court to pursue other opportunities.

Additionally, Cornel Lunkin, Central Violations Bureau/Courtroom Deputy, Kim Berger, Supervisory Pro Se Staff Attorney, and Beverly Peyton-Griffith, Career Law Clerk to Judge Bredar, all retired from judicial service.

This fiscal year, the Clerk's Office saw multiple new hires including Marlowe Hill as Executive Assistant; Chelsea Nunnally as Management Analyst; Jamaal Johnson as Generalist/Case Administrator; Victor Gamez as Human Resources/Finance Technician; Lamar Purnell-Akparewa and Denise Hardaway as Courtroom Deputies; Betsy Sterling as Supervisory Pro Se Staff Attorney; JaNene Sherrill as Procurement Specialist; Ronda Thomas and Rebecca Stonestreet as Official Court Reporters and Marisa Ebli as Pro Se Staff Attorney.

The District Court has always prided itself on promoting from within whenever there are qualified internal applicants. During fiscal year 2020, Mike Mani was promoted from Courtroom Deputy to Courtroom Operations Trainer and Technology Specialist; and Kadeem Moore from Procurement/Space & Facilities Technician to Procurement Specialist.

The Human Resources department of the Clerk's Office is responsible for the entrance and exit of all term law clerks for the District Court, as well as the law clerks for the Fourth Circuit judges based in Maryland. In fiscal year 2020, human resources staff prepared exit paperwork and conducted individual

exit interviews for 30 Law Clerks leaving the Court. During the same period, entrance paperwork, form processing, orientations, and individual meetings were prepared and conducted for 30 incoming District Court law clerks and 10 Fourth Circuit law clerks. Additionally, approximately 30 interns were onboarded and offboarded during fiscal year 2020.

The Human Resources department had to shift processes mid-year to handle everything remotely due to the pandemic. To ensure compliance with audit regulations, telework agreements were reviewed and updated along with other policies affecting changes to work schedules.

Due to the need to switch to a remote environment unexpectedly and mid-way through the fiscal year, an in-person training was not conducted during the fiscal year. Instead, staff attended individual courses through the many options available to court employees. A virtual orientation/training was set up for incoming law clerks rather than the in-person trainings previously offered.

Along with the entire Clerk's Office, HR staff continued to take opportunities to stay current on HR and benefits issues that affect staff. During fiscal year 2020, HR staff participated in multiple WebEx programs on a vast array of human resources topics and policies, as well as offerings on stress management and working remotely, that were then shared with court staff.

### Information Technology

The fiscal year 2020 started like any other year, with multiple projects in the pipeline for the year ahead. As a follow-up to the migration to Microsoft Office 365, the District was migrating from Lotus Notes to Microsoft Outlook. The IT Supervisor and IT Trainer met with each chambers to explain the migration process, answer questions, and identify any custom uses that would need to be addressed by the migration team. IT Support Technicians paired with individual staff members to ensure that the process went as smoothly as possible. Aside from a few difficulties, migration was relatively successful and completed within the project timeline.

Another focus for the year was the migration to Windows 10, which encompassed several areas. IT Support Technicians created the Windows 10 gold image for the VDI platform. The IT team vetted the gold image, working through several unique problems inherent to Windows 10. The gold image was then tested by early adopters and finally rolled out to the staff at large. Specialized programs, such as JMS and Quick Books, were integrated into the gold image. The additional software allowed for the remaining office units to migrate to the VDI environment. In addition to the VDI environment, IT Support Technicians upgraded physical desktops to Windows 10 or configured new desktops for Courtroom and cash register computers. This configuration included the introduction of the FTR 6.5 software, a platform used for the audio recording of Court proceedings.

During the Clerk's Office renovations, IT Support Technicians assisted with the temporary workspace assignment setups and then cabled newly constructed offices and front counters in the Baltimore office. In Baltimore, a touch-screen electronic display designed by the Programmer/Analyst replaced the outdated corkboard.

The District of Maryland continued to improve technology services within the courtrooms during the fiscal year 2020. A multi-year project will upgrade the video systems in all courtrooms. The Court

Technology Specialist also upgraded the VTC systems in the U.S. Marshals lockups within both courthouses; these upgrades were needed to accommodate virtual hearings during the Court's COVID-19 response.

The CM/ECF Administrator implemented several upgrades to our national systems in fiscal year 2020. These upgrades ensured that the system was ready to move forward with the implementation of NextGen. The JMS software also underwent a major release upgrade. The CM/ECF Administrator worked with the jury department to implement JMS version 11 and eJuror version 2.16. After identified security issues with the installed password reset program, the CM/ECF Administrator located another developed and AO-approved program and installed it on our CM/ECF systems. The CM/ECF Administrator also continued to provide routine and custom reports and actively update the CM/ECF system as requested by court users.

The Programmer/Analyst migrated the AO-hosted www2 servers to Windows Server 2016 and SQL Server 2017. The Programmer/Analyst made changes to other locally developed programs based on AO security scans and internal user requests. Based on AO changes, the Programmer/Analyst several times updated the HRMIS data feed. The Programmer/Analyst also implemented a new server and software for Crystal Reports, working with other staff units to ensure the converted reports worked as desired.

In February 2020, IT began preparing for the potential of remote work due to the developing pandemic. The IT team updated all existing laptops to Windows 10 and installed software upgrades. Court users brought personal equipment in for the IT Support Specialist to configure for remote work. IT Support Specialist also connected to users remotely to set up their home computers to access the VPN and judiciary resources. During the early days of the pandemic, the IT team often worked after hours to keep the day-to-day operations of the Court functioning.

The Chief Deputy, IT Supervisor, and Court Technology Specialist developed and documented processes for remote court. The Court Technology Specialist, IT Support Specialist, and Systems Administrator made several trips to Chesapeake Detention Facility to establish remote court capabilities. The IT Supervisor trained IT Support Specialists, IT Trainer, Network Administrator, and Systems Administrator on remote-court procedures providing a pool of IT resources to maintain court proceedings. The IT Support Specialists continue to support remote court daily. The IT Support Specialist also participated in the in-court proceedings. They established multiple VTC connections. They monitored court proceedings and added or deleted VTC connections when appropriate. They also provided support in the courtroom with controlling camera connections until CRD staff were comfortable with the process. The team quickly adjusted to changes in processes and procedures based on facility connection issues, platform reliability, and the changing pandemic situation.

Throughout the pandemic, the District Court's IT support team continued to provide day-to-day support, implemented new equipment, and supported remote court proceedings. Members of the IT support team rotated into the office to provide onsite support while the office operated at reduced capacity. The IT Trainer conducted training on Phishing Awareness, Windows 10, CMA, Zoom, Egnyte, National Fax, and FTR 6.5. The IT Support team implemented new software including, the ZoomGov video platform and Egnyte file sharing. To address security concerns the IT Support Specialists upgraded remote connection software on all user's personal and court-issued computers. They configured and distributed

new equipment including, laptops, iPhones, iPads, monitors, scan stations, and network scanners. They also completed the migration to the National Fax system and the cyclical refresh of the NIPT handsets. Finally, they successfully onboarded new interns and law clerks in a completely remote environment.

During fiscal year 2020, the Network Shared Services Team (NSS) led several district-wide IT infrastructure design, upgrade, and deployment projects, including the effort to complete installation of the cellular Distributed Antenna System (DAS) in Greenbelt; there is now adequate Verizon cellular coverage throughout the Greenbelt courthouse. The NSS Team led the district wide area network upgrade project, doubling bandwidth in both courthouses. New network circuits were installed in both Baltimore and Greenbelt, with network traffic switched over to the new circuits before the end of fiscal year 2020.

Fiscal year 2020 continued the increasing trend of cybersecurity activity and attacks. The court encountered and mitigated numerous cybersecurity related incidents, including ransomware attempts and malicious software execution on end-user PCs. The NSS Team provided information and training to end users during National Cybersecurity Awareness Month in October 2019, and before the pandemic ran several phishing exercises to keep staff aware of potential cybersecurity incidents.

The Court continued its long-standing tradition of sharing administrative services when doing so increases efficiencies and reduces costs for the judiciary. Toward that end, the District Court and Bankruptcy Court continued the sharing agreement for network support and shared server rooms. The Bankruptcy Court also collaborated with several other bankruptcy courts extending services for support activities and various projects. Such activities included providing CM/ECF support for the locally developed QCP program, as several courts continue to utilize QCP during and after their transition to CM/ECF Next Gen.

### Jury

Trial jurors for our District are typically summoned to serve for a one-month or one trial term of service. During fiscal year 2020, 9,875 jurors were summoned for jury service. A total of 1,678 trial jurors reported to the Court for participation in 31 jury trials. There were 21 jury trials held in criminal cases, and 10 in civil cases. Due to the pandemic, jury trials were postponed by Order of the Court from March 12, 2020 through June 30, 2020. Below is a comparison of the last three years.

<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
3,486 jurors reported 74 jury trials (46 cr/28 cv) 14,000 jurors summoned	2,562 jurors reported 46 jury trials (30 cr/16 cv) 15,250 jurors summoned	1,678 jurors reported 31 jury trials (21 cr/10 cv) 9,875 jurors summoned

The District of Maryland had five active grand juries, two sitting in Greenbelt and three sitting in Baltimore. During the fiscal year, 2,613 grand jurors spent 675 hours in session. The grand juries convened for a total of 133 days. Due to the pandemic, grand jury sessions were postponed by Order of the Court from March 16, 2020 through June 22, 2020. Below is a comparison of the last three years.



<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
4,254 grand jurors convened on 215 days, spending 1,134 hours in session	3,865 grand jurors convened on 192 days, spending 1,006 hours in session	2,613 grand jurors convened on 133 days, spending 675 hours in session

Two new grand juries were empaneled during fiscal year 2020, one in Greenbelt and one in Baltimore.

#### Naturalization

Naturalization ceremonies are held in both Baltimore and Greenbelt Courthouses. In general, the ceremonies are scheduled twice monthly in Baltimore and once a month in Greenbelt. Due to the pandemic, naturalization ceremonies were postponed by Order of the Court on March 16, 2020. These ceremonies convened again at the United States Citizenship and Immigration Services (USCIS) headquarters on July 21, 2020. After resuming at USCIS, Magistrate Judges C. Bruce Anderson and A. David Copperthite conducted full day sessions of seven separate ceremonies to reduce the pandemic induced backlog. A total of 1,882 citizens were naturalized for the year. Below is a three-year comparison.

<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
1,367 citizens naturalized 30 ceremonies	1,178 citizens naturalized 31 ceremonies	1,882 citizens naturalized 19 ceremonies at the Courthouse 7 sessions at USCIS

#### Procurement

In fiscal year 2020, the Procurement department prepared approximately 696 obligations totaling in excess of \$9.4 million.

These obligations included several emergency COVID-19 pandemic related procurements ranging from the purchase of various PPE items to specialized contracts for expert services. Several contract awards were also issued for largescale furniture projects such as the purchase of furniture for Chambers as well as for the newly renovated Greenbelt Clerk’s Office. Purchase orders for IT related initiatives included the purchase of Zoom software licenses and signal enhancing equipment needed to conduct virtual court proceedings.

#### Space & Facilities

In 2020, the Space and Facilities Department was tasked with equipping both division courthouses with COVID-19 protective equipment. This equipment consisted of numerous types of plexiglass partitions to help provide protection for courthouse occupants and the public. It was necessary to set up multiple courtrooms with plexiglass partitions in preparation of returning in court operations.

Additionally, there was necessary signage that needed to be procured and installed to assist courthouse occupants in safely navigating their way throughout the courthouses.

During the pandemic, several construction projects continued. The Space and Facility Department managed a renovation of the Clerk’s Offices in both divisions that were funded in previous years. Six jury deliberation rooms, and one district judge Chambers were renovated in Greenbelt. Twelve jury deliberation rooms, and the renovation of a magistrate and district judges’ chambers were completed in Baltimore.

**ATTORNEY ADMISSIONS**

As of the end of fiscal year 2020, the District Court bar had 11,843 active members. The court holds monthly admissions ceremonies in both courthouses and averages 31 newly admitted bar members each month. Several admission ceremonies were cancelled this year due to COVID-19 before resuming in a virtual format. Below is a comparison of the last three years.

	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>New Admissions</b>	467	489	367
<b>Renewed Members</b>	1409	1459	1415
<b>Reactivated and Reinstatement Members</b>	179	197	157
<b>Admissions Pro Hac Vice</b>	1127	1356	1392

**CONTINUITY OF OPERATIONS PLAN (COOP) AND EMERGENCY PREPAREDNESS**

The District has become involved in city and state emergency preparedness plans because the Northern Division courthouse is in a major downtown area. In the event of an attack requiring the dispensing of medicine, the federal building across the street from the Baltimore Courthouse will become a dispensing site and certain identified federal employees will serve as form reviewers and medicine dispensers. In consultation with the United States Marshals Service, the district continues to conduct annual training on building evacuations and other emergency responses.

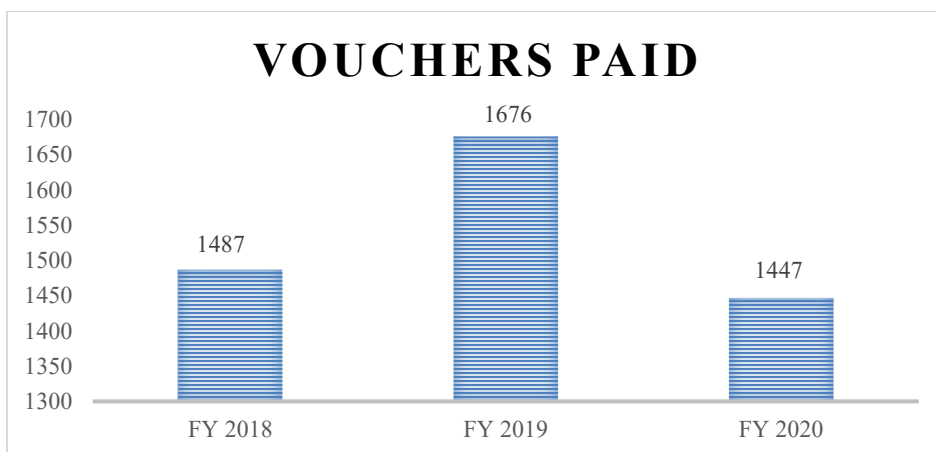
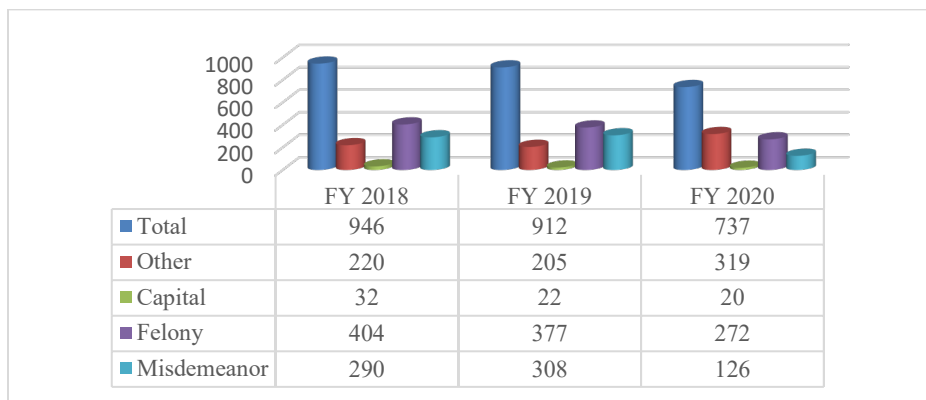
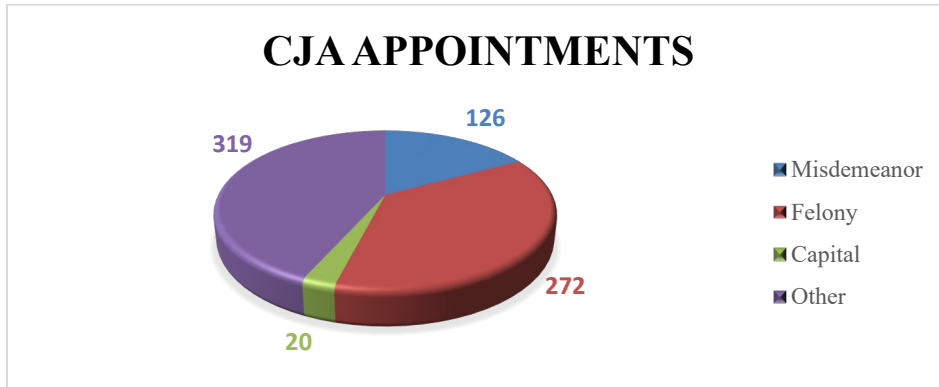
**CRIMINAL JUSTICE ACT (CJA) COORDINATING ATTORNEY**

CJA Coordinating Attorney, Maureen Essex, continues to act as a liaison between the Court and the CJA felony and misdemeanor panel attorneys. Ms. Essex works closely with the United States Attorney’s Office and United States Pretrial Services Office to ensure that attorneys are appointed to represent defendants at the earliest stage of criminal proceedings. The office coordinates appointments of counsel and maintains conflict lists in multiple defendant cases.

The Attorney was assisted by Kiara Snipes, CJA Technician. The Technician carefully audits each voucher for mathematical accuracy and compliance with CJA Guidelines. Once a thorough review of the submitted vouchers has been completed, Ms. Snipes forwards them to Ms. Essex for a reasonableness review and approval if the voucher is below the case compensation maximum. If the voucher exceeds the

case compensation maximum, the Attorney prepares a letter to support the claim for the presiding judicial officer.

In fiscal year 2020, the office made 737 CJA appointments, representing a decrease as compared to fiscal year 2019. Though none of the cases eligible for the death penalty were authorized by the Department of Justice, capital cases represented a cost factor this fiscal year.



The Attorney reviews all requests for expert funding. If the amount of funding requested is less than the statutory maximum and the requested funding is appropriate, she approves the request. If the requested funding level exceeds the statutory maximum of \$2,700.00, she reviews the request, makes a

recommendation, and then prepares a draft confidential memorandum to the Fourth Circuit Court of Appeals Chief Judge Roger L. Gregory for the presiding judicial officer's review. A directory of experts is maintained, and the office often attempts to negotiate a reduction in the requested hourly rate.

The Attorney attends the Court's CJA Committee meetings. She reviews and makes recommendations on all applications for the felony panel to the CJA Committee and prepares the CJA Committee meetings' agendas and minutes.

### **PRO SE STAFF ATTORNEYS**

Pro Se Staff Attorneys review prisoner civil rights complaints, habeas petitions, and non-prisoner self-represented civil filings. Staff Attorneys work generally on prisoner and habeas cases (other than federal § 2255 habeas actions) through to dispositive orders.

The Staff Attorneys' Office continues to assist the Clerk's Office in review and identification of pro se filings, with the administrative assistant responding to letters received from state and federal prisoners requesting information on various matters. This assistance includes ensuring that standing orders limiting new filings by non-prisoner litigants identified as vexatious are permitted when complaints state a viable claim.

In fiscal year 2020, the District's new civil filings included 480 prisoner civil rights cases, slightly up from last year's 460 cases. Habeas cases accounted for 548 filings, a significant increase from last year's 346 cases. The large rise in habeas filings is attributable to the decision in *Rehaif v. United States*, \_\_\_ U.S. \_\_\_, 139 S. Ct. 2191 (2019) resulting in 369 motions filed under 28 U.S.C. § 2255 to vacate federal convictions.<sup>1</sup> State habeas petitions accounted for 90 motions filed, down slightly from last year's 106 cases.

Prisoner civil rights and habeas actions accounted for 29% of all civil filings with the District. Of these cases, 46% were prisoner civil rights cases, and 54% were habeas cases. Non-prisoner self-represented cases accounted for an additional 7% of all civil filings.

This year, the Court saw a significant number of civil rights and habeas cases filed by prisoners alleging that facilities were not adhering to health protocols for COVID-19, placing them at risk for illness and death. These complaints came from a wide variety of facilities, including federal and state prisons and local jails. Also related to the pandemic, the Court has received a number of motions requesting relief pursuant to the CARES Act.<sup>2</sup> These motions were reviewed to determine if they should be filed in federal

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

<sup>2</sup> The Coronavirus Aid, Relief, and Economic Security ("CARES") Act provided for economic assistance and addressed public health issues. *See* Pub. L. No. 113-136 (2020).

criminal cases, handled as habeas cases under 28 U.S.C. § 2241, or as civil rights actions under 42 U.S.C. § 1983.

There were a significant number of filings by prisoners alleging assault by corrections officers, failures and delays in providing medical and mental health care, and retaliation by officers for inmates' filing complaints with this court or through the administrative remedy procedures at place in prisons regarding the conduct of officers. These complaints came from state, federal and local facilities. Notable were the high number of filings by individuals housed in local detention facilities, particularly Baltimore County Detention Center and Prince George's County Detention Center. Additionally, there were a notable number of filings by individuals housed at two facilities run by the Maryland Department of Public Safety and Community Supervision ("DPSCS"), namely, North Branch Correctional Institution and Western Correctional Institution.

The District's non-prisoner civil filings by self-represented plaintiffs totaled 275, down significantly from last year's 403 cases. During instances of office closures due to the COVID-19 pandemic, pro se plaintiffs were able to file new cases through the mail or by using a drop box at the courthouses.

There continues to be a need for appointment of pro bono counsel for self-represented prisoner litigants due to the lack of case resolution at summary judgment and the complexity of legal issues raised.

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

### **PRETRIAL DETENTION**

In February 2011, the Maryland Correctional Adjustment Center – the state's former "Super Max" facility – became solely dedicated to federal pretrial detainees through a new memorandum of understanding between the state and federal authorities. The facility is now known as the Chesapeake Detention Facility. While the procurement of one facility dedicated to federal pre-trial detainees was a significant achievement, problems that arose in prior years have continued through fiscal year 2020. Although many issues with the facility have been addressed through a shower and elevator projects and installation of air conditioning, many projects such as updating the intercom system have been delayed. There have been some assaults on inmates over the past year. In addition to the problems at the Chesapeake Detention Facility in Baltimore, problems have persisted at the Washington D.C. Jail, with which the U.S. Marshal's Service contracts. Judge Bennett, as Co-Chair of the District Court's Criminal Justice Act Committee, has continued to press state officials to improve conditions and meet federal standards.

The pandemic presented further challenges with respect to these pretrial detention facilities. Through the hard work of court staff, the U.S. Marshals Service, and partner agencies, the Court was able to quickly develop the capacity to conduct virtual court proceedings from these locations. Nevertheless, frequent virus outbreaks at both facilities led to significant disruptions and restrictions on prisoner movement.

The Court remains committed to working with the Marshal's Service in providing a secure environment for federal prisoners with adequate medical care; an effective and efficient visitation system for counsel and family members; and educational, counseling, and recreational opportunities. Although some progress has been made in providing these services through the contract with Chesapeake Detention Facility, no amount of effort or determination can overcome the obstacles presented by trying to convert a former super maximum prison into a functional pretrial detention facility.

In light of this problem, the U.S. Marshal's Service will continue its increasing reliance on contract beds from local detention facilities.

## **BANKRUPTCY COURT**

The Bankruptcy Court is staffed by five active judges and one recalled judge and had two judicial vacancies as of the end of the fiscal year. Judge Designate Maria Ellena Chavez-Ruark was selected by the Fourth Circuit Court of Appeals to fill one of the two vacancies but had not yet taken the bench as of the end of the fiscal year.

The Court, led by Judge Rice and Judge Harner, and assisted by Clerk Mark Neal and Chief Deputy Clerk Thomas Kearns, provided two training sessions on the Small Business Reorganization Act prior to its implementation in February 2020. Nearly 100 bar members attended the training sessions.

The court held a series of Bar-wide ZoomGov sessions to help ensure that the Bankruptcy Bar was well advised of court operations during the pandemic and understood the effects of the various pandemic-related administrative orders. On May 4 and 26, 2020, Judge Catliota and Clerk of Court Mark Neal participated in virtual bar presentations on these topics to 328 and 222 participants, respectively. The court also acted to educate bar members on the use of ZoomGov for hearings. On August 11, 2020, Judge Catliota and Mark Neal participated in a virtual ZoomGov training session for 279 bar participants.

The Maryland Volunteer Lawyers Service (MVLS) honored the Bankruptcy Court with its 2020 award for Special Project of the Year. The award was presented to the court for its efforts to establish the Telephonic Debtor Assistance Project (TDAP), and was given in recognition of the Court's "outstanding pro bono commitment to MVLS clients and the support of the launch of the TDAP project."

In September 2020, Judge Catliota and Clerk Mark Neal addressed both the Baltimore and Greenbelt chapters of the Maryland Bankruptcy Bar Association for a virtual update on the state of the court and its pandemic operations.

The Bankruptcy Court continues to enjoy a collegial relationship with the District Court. The Bankruptcy Court collaborates with the District Court on matters of mutual interest through several committees that meet regularly throughout the year, including Budget, Attorney Admission Fund, Bankruptcy Bar Association/U.S. District Court Liaison, Disciplinary & Admissions, IT, Security and Related Facilities, as well as Court Unit Executives.

The Bankruptcy Court continued to provide support to the University of Maryland Francis King Carey School of Law's clinical program, "Consumer Bankruptcy: Legal Theory and Practice", which

entered its fifth year. This clinical law program assists low-income individual debtors in various aspects of the bankruptcy process, including the preparation and filing of Chapter 7 and Chapter 13 bankruptcy petitions and the resolution of issues that arise in those cases. The program further enables students to learn substantive law and represent debtors under the supervision of licensed attorneys. In August 2020, Judge Harner and Clerk Mark Neal remotely presented a bankruptcy law primer to students participating in the clinical law program, and staff from the Clerk's Office, including Director of Operations Kelly Grant, remotely provided the students with training and a demonstration on the court's CM/ECF system. Judge Catliota, Judge Nancy V. Alquist, Judge Rice and Judge Harner also made special virtual presentations to the clinical students as part of the students' core curricula. Judge Harner also provided guest virtual lectures at the University of Maryland Francis King Carey School of Law for Professor Van Alstine's Foundations in Business Law class and Professor Colbert's Legal Profession course.

### COVID-19 Pandemic Related Operations

In response to the COVID-19 pandemic and spread of the virus in the US, and particularly Maryland, the Bankruptcy Court, simultaneously with the District Court, took numerous initial steps in February and early March 2020 before operations were seriously impacted starting March 16, 2020. First, a COVID-19 resource page was created on the Courts' Intranet where information was posted about the virus, the most current recommendations from the Centers for Disease Control and Prevention (CDC) and local health agencies, changes to operations, and ongoing communications related to COVID-19. Second, the Bankruptcy Court's Pandemic/Infectious Disease Annex to the COOP was significantly revised and updated. Third, in coordination with Emergency Management Specialists from the Administrative Office, Court representatives participated in a Pandemic Preparedness and Response Workshop with the Fourth Circuit and Courthouse partners in Baltimore and Greenbelt including the U.S. District Court, U.S. Attorney, U.S. Trustee, Probation and Pretrial Services, and General Services Administration (GSA), and other parties. Fourth, the Courts ensured that supplies were on hand including disinfecting wipe canisters, disinfectant aerosol spray cans, paper towels, hand sanitizer refills for wall mounted dispensers, hand sanitizer pump bottles, hand soap for use in the Clerk's Office and Chambers' kitchens, disposable exam gloves and disposable face masks. Fifth, a COVID-19 Operational Status page was created and added to the court's public website where, in coordination with the District Court, numerous and timely updates to the Courts' operational status were posted throughout the pandemic.

In immediate response to Governor Hogan's COVID-19 State of Emergency Declaration, the Bankruptcy and District Courts moved to a workspace model which focused on social distancing. Among other things this included utilizing maximum telework capabilities, closing the public intake counters, and extending deadlines and continuing hearings. The Bankruptcy Clerk's Office Executive Management Team (EMT) worked tirelessly to continue operations under these circumstances, and developed numerous new procedures and protocols including a method to continue to accept case filings and payments from unrepresented parties through the drop boxes. The Courts developed web-based resources including a COVID-19 Banner, links to relevant Orders, a frequently updated statement of the Courts' Operational Statuses and developed telephonic and video conferencing hearing protocols, which in conjunction with implementing the ZoomGov platform allowed each judge to conduct virtual hearings. The Bankruptcy Clerk's Office provided Bench support including daily Bench calls, work on drafting administrative orders and memoranda, coordination with the bar, compiling various case statistics, issuing numerous gov delivery notices and related matters.

In further response to the ongoing COVID-19 pandemic, the EMT spent hundreds of hours taking steps to ensure social distancing; limited operations fully continued given evolving recommendations from the CDC and local health agencies, and in response to the Governor's COVID-19 Stay at Home Executive Order. With nearly all staff teleworking full-time, the EMT implemented telephonic and video conferencing hearing protocols, trained staff to conduct remote hearings, including complex proceedings with multiple parties, and staffed hearings as necessary; implemented an electronic document submission system (EDSS) for use by unrepresented parties to remotely submitting case filings; and implemented an electronic HR onboarding system (EDHR) that allowed new hires to securely submit necessary documents and information electronically to complete the onboarding process.

By the end of April 2020, the EMT started work on what reconstitution to more normal operations would entail, completed a plan for reconstitution to more normal operations and worked to implement Phase I of the Court's reconstitution, beginning May 26, 2020. Director of Administrative Services Diane Hydovitz (as Chair), Chief Deputy Clerk Thomas Kearns, and Clerk Mark Neal participated on the District's Healthy Workplace Subcommittee (HWS), which was responsible for placing signage throughout public areas of the courthouses, coordinating the outfitting of courtrooms and Clerk's Office space with protective barriers, and related activities. The HWS also produced a Return to Work guide for District personnel, including instructions for returning to work as well as pictures of the various signage in place in the courthouses. For bankruptcy courtrooms, judges were consulted on their preferences among a range of options for protective barriers and social distancing strategies, and materials and supplies were procured to outfit the courtrooms and the intake area of the Clerk's Office.

The EMT continued to work on the plan for reconstitution to more normal operations and implemented Phase 2 of the Court's reconstitution, beginning June 22, 2020. This phase included additional staff on-site and the resumption of certain operations suspended by the pandemic, although the public intake area remained closed. Toward the end of June, the EMT started work on plans for the transition to Phase 3 of reconstitution. Phase 3 became effective September 28, 2020, with the court's public intake counters reopening to the public by appointment only effective October 1 and additional staff reporting on site. Beginning in November 2020, and notwithstanding the return to more limited operations after the end of fiscal year 2020 due to increased COVID-19 infection rates, Chief Deputy Clerk Thomas Kearns and Director of Administrative Services Diane Hydovitz coordinated the procurement of supplies to outfit Courtrooms and Clerk's Office space with protective barriers and appropriate signage, for the eventual resumption of in-person proceedings and broader in person intake operations.

#### Bankruptcy Case Statistics

After starting fiscal year 2020 with a slight increase in bankruptcy case filings, starting in mid-March 2020 filings dropped precipitously as a result of the COVID-19 pandemic, the Governor's declaration of a state of emergency and related stay at home orders, and various state and federal moratoriums on evictions and foreclosures. Overall, there were 13,242 new bankruptcy cases and 447 new adversary proceedings filed. That number consists of 9,415 Chapter 7 liquidation filings; 3,745 Chapter 13 individual reorganization filings; 79 Chapter 11 business or individual complex reorganization filings; and three Chapter 12 family farmer filings. Nationwide, overall case filings fell by 21% in fiscal year 2020, primarily as a result of the COVID-19 pandemic, and the district experienced a similar 24% decrease in total filings this year when compared to fiscal year 2019.



One of the most significant burdens on the Court and Clerk's Office continues to be the extremely high number of bankruptcy cases filed without the assistance of counsel. For the year ending September 30, 2020, nearly 19% of all bankruptcy cases were filed in the district by self-represented parties. The overall rate of self-represented filings in the district in Chapter 7 and Chapter 13 cases has risen sharply since 2011 and has been over 20% for five of the last six fiscal consecutive years. But for the COVID-19 pandemic, it is likely that the rate of self-represented filings would also have exceeded 20% in fiscal year 2020. The district continues to rank as one of the top self-represented filing districts nationwide.

### **CLERK'S OFFICE**

During fiscal year 2020, the Clerk's Office received and managed \$4,751,224 in funds relating to filing and other fees. In addition, the Clerk's Office managed unclaimed funds totaling \$5,181,839 as of September 30, 2020. These unclaimed funds are deposited with the court and maintained until the rightful owner comes forward to claim the funds. Finally, the Clerk's Office managed the deposit fund of \$158,073 and registry funds with a balance of \$75,461 as of September 30, 2020.

The Clerk's Office provided staff members with numerous opportunities to enhance professional development throughout the year. Quarterly, staff members participated in Joint Information Sessions which focused on sharing best practices, exploring opportunities to improve work procedures, and recognizing examples of exceptional critical thinking and innovation. In fiscal year 2020, Case Administrator Specialists Christopher Adams and Laurie Arter along with Intake Lead Specialist Shari Hunt-Caldwell developed a robust training program maintained on Blackboard that expanded the employee training curriculum to include topics such as customer service, effective communication and team work, and containing activities designed to test the learner's knowledge.

The Strategic Training Committee developed a diversity and inclusion information page on the court's intranet that highlights available resources, events, and activities. In April 2020, in recognition of Diversity Month, staff members explored the unique and diverse ways that laughter may be a cultural indicator. In September 2020, the Committee also hosted a virtual learning event, The Path to Positive Thinking, facilitated by the Employee Assistance Program.

In addition, the Clerk's Office Social Committees and Wellness Committee shared creative and interactive resources and fitness challenges that provided opportunities for staff members to stay connected and healthy. This virtual outreach and community building were more important than ever with the continuing impact of the COVID-19 pandemic.

Although the 2020 National Conference of Bankruptcy Clerks (NCBC) Annual Conference was cancelled due to the COVID-19 pandemic, Courtroom Deputy Cherita Scott participated in a virtual version of the 2020 Leadership, Excellence, Achievement, and Development (LEAD) Academy sponsored. The LEAD Academy is a four-month program for non-supervisory NCBC members to help them gain essential leadership skills to take on greater responsibilities in their current positions.

Staff members also participated in a variety of training and professional development opportunities. The court was selected to participate in a pilot course developed by the FJC on the topic of civility. The training took place in Greenbelt in October 2019, with staff and managers from the Clerk's

Office in attendance. That same month, the Strategic Training Committee hosted a financial seminar, presented by FedAdvantage, and free of charge to staff. Sessions covered a host of financial matters related to health care, retirement, college savings and other relevant topics, and attendees also had the option of attending one-on-one sessions to discuss their individual circumstances

### Human Resources

The Clerk's Office had a number of staffing changes in fiscal year 2020 with the retirement of Greenbelt Division Manager Evangeline Alexandris, Courtroom Deputy Sophia Ward, Case Administrator II Tammy Meany, and Courtroom Deputy Booker Livingston, Jr.; the departure of Systems Administrator Pawan Oli; and the hiring of Greenbelt Division Manager Artisha Kimble, Web Design Engineer/Administrator Nate Andersen (temporary position), Systems Administrator Jean Bernard Agenor, and Case Administrator I Busayo Adu-Bakare. Case Administrator I Joseph Chandler was promoted to Case Administrator II and Case Administrator II Jennifer Whitfield was promoted to Courtroom Deputy.

Clerk Mark Neal continued to serve on the Bankruptcy Clerks Advisory Group (BCAG). The BCAG provides advice to the Administrative Office for U.S. Courts on issues affecting the administration of the bankruptcy system with respect to the bankruptcy clerk's offices, and among other things provides the opportunity for input on the development of policy recommendations.

### Information Technology

During the initial stages of the pandemic, IT efforts focused on continuity of operations. The IT Team engineered and deployed a secure and reliable end-to-end remote hearing and recording solution and developed the Electronic Document Submission System to enable unrepresented debtors to file documents with the court electronically. The IT Team also continued providing proactive and timely support to court's almost entirely remote workforce. In addition, the IT Team completed a large case reassignment effort, all while maintaining regular case management operations.

The IT Team focused on managing information technology change in fiscal year 2020. The IT team migrated all court users from LotusNotes to Outlook and Skype for Business. As a result of the IT Team's significant preparation, thorough communications, and dedicated support effort, the migration was highly successful. The IT team also prepared for the Windows 10 implementation, FTR upgrade, and end-user equipment refresh, all taking place during fiscal year 2020.

The IT Team, in coordination with Clerk Mark Neal and Chief Deputy Clerk Thomas Kearns, worked to redesign the Court's public website. During fiscal year 2020 website development and content migration were completed, and a comprehensive testing effort was undertaken in anticipation of having the new website go live prior to the end of calendar year 2020.

The IT Team also completed development of the new Oracle based purchase approval and tracking system – HEROIC – and prepared it for an early October 2020 switchover from the current Lotus Notes based database (which is being retired). The IT Team also began the implementation of SharePoint Online and the migration from Skype for Business to Microsoft Teams for instant messaging and, in the future, enhanced office collaboration.

The IT Team deployed a pilot exhibit presentation system in one courtroom in each division. The system allows attorneys at the lectern to share electronic and hard copy exhibits with dedicated stations set-up on both counsel tables, on the bench (both for the judge and courtroom deputy), on the law clerk's desk, and on the witness stand. Electronic exhibits can be brought to courtrooms on thumb-drives, laptops, tablets, or mobile phones, and up to four pieces of content can be shared at the same time. Bankruptcy Court staff provided a demonstration of the exhibit presentation system and basic training to bar members in February 2020.

### **DEBTOR ASSISTANCE PROJECT**

The Debtor Assistance Project (DAP), a collaborative effort between the Bankruptcy Court and its partner agencies, continued in fiscal year 2020 to provide services to individuals who filed bankruptcy petitions without an attorney, or were considering filing for bankruptcy and planned to be self-represented. The program is staffed by volunteer bankruptcy attorneys and operates in the Baltimore and Greenbelt Courthouses, as well as on the Eastern Shore in Kent and Talbot Counties. In January 2020, a new telephonic version of the DAP was piloted and then fully implemented during the pandemic, with the usual 30-minute no cost consultation provided telephonically by volunteer attorneys who receive the debtor's financial documents electronically in advance of each session. This new program is called the Telephonic Debtor Assistance Project (TDAP) and, based on its initial success, it may remain on a permanent basis. Due in large part to scheduling and other administrative support from the Maryland Volunteer Lawyers Service (MVLS) and Mid-Shore Pro Bono, two of the court's core DAP partners, and despite the COVID-19 pandemic, the DAP/TDAP and its volunteers were able to provide 59 DAP and 42 TDAP consultations in fiscal year 2020.

## **PROBATION AND PRETRIAL SERVICES**

Probation and Pretrial Services functions in the District of Maryland are performed by three departments: Pretrial Services, Presentence Investigations, and Post-Conviction Supervision. The office is comprised of 133 staff members, which includes 97 officers, as well as 36 employees who directly support the work of the officers in all departments. Probation and Pretrial Services in the District of Maryland is the largest in the Fourth Circuit, and the eleventh largest in the country.

### **PRETRIAL SERVICES DEPARTMENT**

Pursuant to 18 U.S.C. §3142, pretrial services officers strive to interview defendants and prepare written reports on all defendants. Officers prepare reports for the Court that thoroughly and succinctly describe a defendant's background, identify risk factors, and recommend appropriate release conditions, or detention as warranted. The availability of a written report at the defendant's initial appearance can help reduce "unnecessary detention" and better assist the Court in making prompt, informed release or detention decisions. Approximately 500 pretrial investigations were completed during the year. Officers conducted interviews in 92% of all case activations, which is 33% higher than the national average. Despite the serious nature of offenses charged and the extensive criminal histories of those charged, the District of Maryland's detention rate was 52%, which is 19% lower than the national detention rate.

The Pretrial Services Department supervised approximately 400 defendants charged with federal

offenses. Following a defendant's release, pretrial services officers develop individual supervision plans to manage presented risks and monitor compliance with the conditions of release imposed by the District Court. Supervision activities performed by officers include conducting field visits to the defendant's residence and place of employment, meeting with substance abuse and mental health counselors, contacting third party custodians, conducting frequent criminal record checks and coordinating random drug testing for defendants. For each supervision case, officers create detailed supervision plans consisting of a combination of activities and strategies that may be modified according to the defendant's adjustment to supervision. Supervision plans are designed to promote overall compliance with all conditions of release and to initiate appropriate intervention strategies to address defendant needs.

Regarding violations, of the total number of defendants under supervision, approximately 17% violated a condition of release. Approximately 1% of those under supervision were re-arrested, which is consistent with the national average. Less than 1% of defendants failed to appear in Court, which is also consistent with the national average. While all violations are reported to the Court, most do not result in the revocation of a defendant's release conditions or any Court action. Officers strive to implement creative supervision strategies and exhaust all reasonable alternatives to detention to mitigate the potential for future violations before recommending revocation of conditions of release.

### **PRESENTENCE DEPARTMENT**

The Presentence Department is committed to producing high quality reports and responding to inquiries posed by the Court and our stakeholders in a timely and accurate fashion during the sentencing process. This is accomplished by maintaining a high level of expertise with the United States Sentencing Guidelines (USSG), and in the sentencing factors enumerated under 18 U.S.C. §3553(a).

Determination of an appropriate sentence is one of the most important decisions made in the criminal justice system. The primary tool for assisting the Court with this function is the Presentence Report (PSR). The PSR also serves to assist the Bureau of Prisons (BOP) with inmate designation, classification, programming and release planning. The information provided in the PSR enables the supervision officer to develop strategies that address risks as well as support the offender's transition back into the community. During the preparation of the presentence report, the presentence officer:

- promptly interviews the defendant following the Court proceeding;
- conducts a comprehensive background investigation of the defendant's criminal history, employment, financial profile, social background, substance abuse and mental health history;
- collaborates with the prosecutor, the defense attorney, law enforcement agencies;
- exercises independent judgment as an officer of the Court while applying the USSG; and,
- researches case law and amendments to the USSG while maintaining expertise in all areas of the sentencing process.

Presentence officers completed approximately 500 investigations. During the presentence investigation process, presentence officers spend much of their time developing a complete, thorough, and accurate summary of the defendant's criminal history. Criminal history can be the most critical section of the presentence report due to its impact on the severity of the sentence. Presentence investigation officers are required to stay abreast of case law governing qualifying predicate offenses because they must often

make determinations on whether a defendant is a career offender or an armed career criminal.

Presentence officers also prepare pre-plea investigations when ordered by the Court, as well as supplemental reports for the BOP. A pre-plea investigation provides counsel with a preliminary criminal history report that assists them during plea negotiations. When a pre-plea investigation has been completed on a case that is ultimately referred for a presentence report, the sentencing process can be expedited because factors in dispute regarding a defendant's criminal history have already been resolved. The Presentence Investigation Department completed over 200 pre-plea investigation reports.

### **POST-CONVICTION SUPERVISION DEPARTMENT**

The Post-Conviction Supervision Department strives to promote positive and lasting change in individuals while making all efforts to ensure the safety of the community. Probation officers use all suitable methods to aid persons under supervision to bring about improvements in their conduct and condition. Officers are also charged with keeping the Court and the U.S. Parole Commission informed of offender conduct and compliance with the conditions of their supervision. The Post-Conviction Supervision Department supervised approximately 3000 individuals convicted of federal offenses. The District of Maryland supervised more individuals convicted of crimes of violence than any other district in the country. Of those under supervision, approximately 15% were convicted of crimes of violence, compared to the national average of 6%.

The Post-Conviction Supervision Department practices community-based offender supervision. This entails:

- Conducting thorough prerelease investigations for individuals released from BOP facilities. These investigations include an inspection of prospective residences and confirmation that other occupants have no history of criminal justice involvement that might impede an offender's positive reintegration into the community. Prerelease plans document the investigation, identify and address risks, and formally request additional conditions of supervision, as needed.
- Meeting offenders upon their arrival at the BOP contracted Residential Reentry Centers (RRC) and coordinating with case managers to improve an offender's transition to the community. Conducting prerelease supervision of offenders while still in the RRC for up to four months prior to their release to community supervision.
- Conducting a thorough interview with the offender upon his or her release, to include reviewing supervision conditions, verifying residential and employment information, making treatment referrals, making employment and/or educational referrals, assessing third party risk, completing the Post-Conviction Risk Assessment (PCRA), and assessing an offender's ability to pay court ordered financial obligations.
- Preparing case plans addressing all Court or Parole Commission ordered conditions, specifying methods to enforce them, assessing an offender's skills and deficits, and citing objectives for the offender and officer strategies to facilitate success.
- Providing continuous monitoring of an offender's behavior in the community through contact with

family members, employers, and treatment providers. Officers document their efforts in the Probation Automated Case Tracking System (PACTS).

- Providing assistance to persons under supervision to obtain meaningful employment. This includes referring individuals to resources in the community that provide training and employment referrals; providing an orientation for offenders that are unemployed or underemployed to assist them with their job searches; and partnering with employers in the community who can provide stable and gainful employment to those under supervision.
- Addressing all non-compliance promptly, utilizing correctional and controlling strategies such as intermediate sanctions to mitigate risk and provide incentives to increase compliance. While all non-compliance is promptly reported to the jurisdictional authority, revocation is only pursued when all other interventions have failed or when the violation conduct endangers the community. Of the total number of cases closed in the District of Maryland, 10% were revoked. Nationally, 25% of the cases closed in the fiscal year were revoked.

Providing effective treatment services continued to be an important supervision strategy throughout the fiscal year. Officers utilized substance abuse testing, outpatient and residential substance abuse services, mental health counseling, and aftercare recovery houses. Officers continually assess the efficacy of our treatment programs and adjust as necessary to better assist those under our supervision.

### Training and Staff Development

Throughout the fiscal year, staff members participated in multiple trainings in house and in the community to further develop and expand their knowledge in a multitude of areas. Areas of training included: stress management and wellness, workplace conduct, IT security awareness, technology considerations for virtual supervision, leading during a pandemic, improving morale and reducing stress with employees, supervising defendants with histories of substance abuse and mental concerns, location monitoring, cultural intelligence, sentencing guidelines, computer monitoring, pretrial risk assessments, gangs, supervising sex offenders, and firearms.

## CONCLUSION

The bench wishes to thank our visiting judges: Hon. Thomas E. Johnston of the Southern District of West Virginia (USA v. Fitzgerald and USA v. Parks); Hon. Leonie M. Brinkema of the Eastern District of West Virginia (Booth v. Baltimore City Board of School Commissioners); Hon. Liam O’Grady of the Eastern District of Virginia (USA v. Byrd and USA v. Ravenell); Hon. Stephanie D. Thacker of the U.S. Court of Appeals for the Fourth Circuit (USA v. Jordan and USA v. Piccirilli); and, Hon. John F. Anderson, Jr., of the Eastern District of Virginia (Annappareddy v. Lating, et al).

The bench would also like to thank the employees of the District and Bankruptcy Courts, Probation and Pretrial Services, and those of related agencies. This year presented unprecedented challenges that were met with the dedication, professionalism, and strength of our staff.