

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**



**FISCAL YEAR 2011 ANNUAL REPORT**

Deborah K. Chasanow, Chief Judge  
Felicia C. Cannon, Clerk of Court

## **DISTRICT JUDGES**

(One Vacancy)

### Active Judges

Richard D. Bennett  
Catherine C. Blake  
James K. Bredar  
Deborah K. Chasanow, Chief  
Ellen Lipton Hollander  
Benson Everett Legg  
William D. Quarles, Jr.  
Roger W. Titus  
Alexander Williams, Jr.  
Vacancy (as of September 1, 2008)

### Senior Judges

Walter E. Black, Jr. (retired)  
Marvin J. Garbis  
Alexander Harvey II (retired)  
Peter J. Messitte  
J. Frederick Motz  
William M. Nickerson  
Frederic N. Smalkin (retired)  
Joseph H. Young (retired)

## **MAGISTRATE JUDGES**

(No Vacancies)

### Full-Time

William Connelly  
Charles B. Day  
Thomas M. DiGirolamo  
Stephanie A. Gallagher  
Susan K. Gauvey  
Beth P. Gesner  
Paul W. Grimm, Chief  
Jillyn K. Schulze

### Part-Time

Victor H. Laws III

## **BANKRUPTCY JUDGES**

(No Vacancies)

### Active Judges

Nancy V. Alquist  
Thomas J. Catliota  
Robert A. Gordon  
Wendelin I. Lipp  
Paul Mannes  
David E. Rice  
James F. Schneider

### Recalled Judges

E. Stephen Derby  
Duncan W. Keir, Chief

## **COURT UNIT EXECUTIVES**

Felicia C. Cannon, Clerk, U.S. District Court  
Mark Sammons, Clerk, U.S. Bankruptcy Court  
William Henry, Chief, U.S. Probation and Pretrial Services Office

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## MILESTONES

The first major event was the fourth biennial Northrop Lecture, held at the Greenbelt courthouse on Thursday, October 28, 2010. This event honors the memory of Judge Edward S. Northrop, who served as a district judge from 1961 until his death in 2003. The lecture is co-sponsored by the George Washington University Law School, where Judge Northrop earned his LL.B. in 1937. The keynote speaker was author and veteran Washington journalist Joan Biskupic, who has covered the Supreme Court for many years and written several books on the judiciary, including a recent biography of Justice Antonin Scalia.

During the winter, Judges James K. Bredar and Ellen Lipton Hollander were appointed to the district court bench. Judge Bredar, a former magistrate judge, was commissioned on December 17, 2010. Judge Hollander, formerly a judge of the Court of Special Appeals of Maryland, was commissioned on December 28, 2010. On May 13, 2011, the court celebrated Judge Bredar's appointment with an investiture ceremony at the Baltimore courthouse. One week later, the court celebrated the investiture of Judge Hollander.

Bankruptcy Chief Judge Duncan W. Keir assumed recalled status as of April 1, 2011, and continues to serve the court as chief judge. Judge David E. Rice was appointed as Judge Keir's successor and took office on April 1, 2011. Judge Rice's formal investiture ceremony was held on May 26, 2011, at the Baltimore courthouse.

On June 17, 2011, the district again celebrated the appointment of a new judge with an investiture ceremony at the Baltimore courthouse for Magistrate Judge Stephanie A. Gallagher. Judge Gallagher was appointed to the bench by the district judges, filling the vacancy created by Judge Bredar's appointment to the district court bench. She took office on April 18, 2011.

The court amended its Local Rules on July 1, 2011, to include the adoption of patent rules as part of the court's participation in the Administrative Office of the United States Courts patent pilot project.

## DISTRICT COURT

### General Case Statistics

During the fiscal year ending September 30, 2011, 3,739 civil cases and 631 criminal cases (involving 1,017 defendants) were filed. As of March 2011, our district weighted case filing per judgeship was 513.

### Multidistrict Litigation

The following three multidistrict litigation (MDL) cases are assigned to judges on our court:

- (i) KBR, Inc., Burn Pit Litigation was certified and transferred to the District of Maryland on October 19, 2009. This MDL is assigned to Judge Roger W. Titus and currently has 50 pending cases;
- (ii) Mutual Funds Investment Litigation was assigned to three judges – Judges Blake, Davis, and Motz – due its size and complexity. Upon the elevation of Judge Andre M. Davis to the United States Court of Appeals for the Fourth Circuit, his portion of the MDL was reassigned to Judge Motz, who is the lead judge. The MDL has 83 pending cases;
- (iii) Municipal Mortgage & Equity, LLC, Securities and Derivative Litigation was certified as an MDL and transferred to our district on August 14, 2008. It is assigned to Judge Marvin Garbis and currently has 12 pending cases.

### Civil Justice Reform Act (“CJRA”)

Our bench reported the following motions that were pending for six months or longer:

<u>Report Date</u>	<u>Number of Motions Pending for Six Months or Longer</u>
March 31, 2011	10
September 30, 2011	10

## Death Penalty Cases

### I. Resolved Death Penalty Prosecutions

Judge Richard D. Bennett: United States v. Antonio Hall RDB-10-0744

The case was opened with a death eligible charge on December 2, 2010. The Attorney General later granted permission to withdraw the notice of intention to seek the death penalty. After trial, the jury returned a verdict of guilty on August 11, 2011.

### II. Other Death Penalty Litigation

Senior Judge Peter J. Messitte: United States v. Kenneth Lighty PJM-03-0457. On May 16, 2011, Judge Messitte entered an order appointing counsel to file a petition under 28 U.S.C. § 2255 for an inmate under a sentence of death.

Judge Catherine C. Blake: Miles v. Wainwright, CCB-07-CV-2135. The petitioner in this § 2254 proceeding was sentenced to death in state court in 2007. An order was issued staying the case pending resolution of state court post-conviction motions. The Court of Appeals of Maryland recently denied the petitioner's motion to correct illegal sentence, and counsel has until December 16, 2011, to file a petition for a writ of certiorari in the Supreme Court. A separate post-conviction matter has been fully briefed and is presently pending before the Circuit Court for Queen Anne's County. Counsel continues to file periodic status reports in this case.

## Clerk's Office

In fiscal year 2011, the Clerk's Office was allotted 89 work units, including two temporary additives. In addition, the court was allotted twelve court reporters. Eight Clerk's Office employees retired during the year, one employee transferred to another federal court, and one employee resigned. The Clerk's Office welcomed two new full time, regular employees, and three temporary employees whose employment began and ended within the fiscal year. On-board staffing at the end of September 2011 was 73.0 staff for the Clerk's Office and ten court reporters. Because of the dire budget projections nationally for fiscal year 2012, the office maintained its conservative approach to staffing and did not fill any vacancies resulting from staff retirements. The Human Resources Department also processed 34 law clerk exit interviews and conducted orientation and review of benefits packages for 36 new law clerks in the seven week "law clerk season" time period.

With the implementation of an annual performance review system, the work performance of Clerk's Office staff is now reviewed annually. Constructive feedback is provided to staff members and recommendations are made for personal staff development. The managers and supervisors work diligently to provide staff with the tools and information necessary to perform their job duties efficiently. Managers and supervisors are proactive in creating a supportive work environment and supporting flexible work policies whenever possible. In addition, the Deputy Clerk's Employee Manual has been updated and is now available on the court's intranet site.

The Clerk's Office continues to support alternative work arrangements to the extent work assignments will allow. Many members of the Clerk's Office staff in both our Baltimore and Greenbelt divisional offices utilize one of the available alternative work schedules, which include telework, flexible schedules, and compressed schedules.

Training is always available to Clerk's Office employees in both group and individual formats on a variety of topics, including information technology and the online e-Service options available to all staff. The "Passport through the Clerk's Office" application is now being used for new employees and is also available on the human resources webpage so that current staff can utilize this tool to help them gain a better understanding of court procedures and proceedings. Human resources staff took a conservative approach to their training this fiscal year and participated only in a forum offered by the Administrative Office on human resources topics and systems. Many of the topics dealt with preparing for the difficult fiscal situation anticipated in the upcoming years.

With the high rate of retirements this fiscal year, the Human Resources Department conducted many one-on-one sessions with retirement-eligible staff to make sure they understood their benefits packages. Retirement continues to be a priority concern as many members of the Clerk's Office, as well as chambers staff, are reaching retirement eligibility and are seriously considering retirement in the very near future.

The Human Resources Department continues to reach out to incoming employees and law clerks with a special webpage that contains all of the pertinent documents to make the onboarding process more efficient. Using this method has significantly decreased delays for new hires in enrollment on the court's payroll and in selected insurance programs. The department continues to modify this page as new options become available.

At the request of the judges, the Human Resources Department began photographing all Clerk's Office employees, law clerks, chambers staff, and court security officers in Baltimore and Greenbelt last fiscal year. The picture directory is now available on the court's intranet site and has been reported to be a very useful tool for new employees and law clerks.

Over the past year, the Finance Office implemented several new applications. One application, OTCnet, replaced the Paper Check Conversion Over-the-Counter system. This new application is web-based, which allows all users to work from their own computers and combine all check transactions into one application. Another application implemented was the Consolidated Debt Collection System (CDCS). This application will allow the Finance Unit to transfer criminal debt payments to the USAO in an automated process. Further, the national Internal Control Evaluation (ICE) application was rolled out to our court in May 2011. This application was developed to capture all financial tasks and to identify separation of duties.

Finance has also been diligently working on a finance web page where court staff can locate travel vouchers, per diem amounts, mileage rates, and other finance-related information. We are also finishing up a travel pamphlet to highlight important factors when traveling.

This year also included the court's cyclical audit. An audit firm employed by the Administrative Office of the United States Courts spent two weeks in our district reviewing all financial transactions of the District and Bankruptcy Clerk's Offices, the Probation and Pretrial Services Office, and the Office of the Federal Public Defender. The audit covered a 42-month period from October 1, 2007, through March 31, 2011.

Two joint initiatives for bankruptcy and district court employees continued during fiscal year 2011. The Wellness Committee and Saving Money and Resources Together (SMART) sponsor informational newsletters and awareness programs focused on the health and well-being of court staff.

### Information Technology

The Clerk's Office implemented two more upgrades of our case management and electronic case filing system this year: CM/ECF 4.2 and 5.0. CM/ECF 5.0 was a major update with many enhancements, including an updated security model and enhanced password security. Both the civil and criminal attorney manuals were updated to reflect these significant changes. Classes in both criminal and civil CM/ECF continue to be offered in Baltimore and Greenbelt on a regular basis. Over a dozen new docket events were created to assist court users and attorneys in filing documents. Access to the CM/ECF system was expanded to allow some pro se litigants to file electronically.

The District of Maryland continued to work on the CVB/CM/ECF national database initiative. Court staff routinely participated in conference calls to review and finalize the requirements and design documents. With the designation of the CVB module into CM/ECF Release 6.0, the district was selected as a Monitored Live Operations (MLO) court and has been involved with initial AO internal testing and is preparing for remote testing with the Arizona Testing Center. The release of CM/ECF 6.0 is expected to begin in the spring of 2012.

The court's Systems Engineer continued to work on network infrastructure upgrades in preparation for the national Voice of Internet Protocol (VoIP) telephone system. The VoIP telephone system groundwork included gathering data on all existing phone lines, telephone extension features, cabling needs, and current call paths. Court staff worked on restructuring the auto-attendant tree and our IT Training Specialist recorded all of the new messages. We also worked with AT&T contractors on testing the paging system and analog telephone adapters for use with courtroom AV equipment. As part of the dissolution of the FTS 2000 contract and implementation of the Networx contract, all data circuits for the DCN and PacerNet were converted from Sprint to AT&T.

Our IT Programmer Analyst, Mike Davis, created Release 2 of the Purchase Request System, which incorporated changes and enhancements requested locally, as well as by other courts. Mr. Davis worked with other districts to help them implement the Purchase Request System. Additionally, he added an interface from the Purchase Request System to the AO's new budget spreadsheet.



Our IT Department continued to expand the IT training initiative. One hundred fifty-four staff members attended a variety classes on topics such as EPPS, PowerPoint, Excel, Structured Writing, and advanced Microsoft Word features. Electronic Evidence Presentation System certification classes were developed for the courtroom deputies. In addition, a modified Electronic Evidence Presentation System class is presented to attorneys monthly, at both divisions, with 77 attorneys participating to date. Our IT Training Specialist, Kim Schmid, worked with Chief Deputy Jarrett Perlow in the development of a Pro Se Self Help e-learning system, including forms that were added to the District of Maryland website. Ms. Schmid's 51 e-learning modules for Blackberry smartphones, which she developed last year, were shared nationwide. As part of an ATCOP COATS (Automation Trainers Community of Practice Chambers Online Automation Training) initiative, she developed seven e-learning modules on the topics of customizing workspace in Word, copying from Westlaw to Word, and advanced formatting in Word.

The IT Team continued its internal documentation initiative, including the development of cross-training presentations on topics such as using SQL Management Studio, attorney inquiries, attorney renewal process, and adding macros and buttons to the QAT. The IT Department also updated other internal and external documentation, including access to the vault database, software licensing, the IT inventory process, remote access, system backup and password policies, and FTR and Kiosk instructions.

Changes continue to be implemented on the court's intranet page and IT Specialist Donna Carey worked with the office management team to update and reorganize the internet page. Several enhancements were made to the website, including enhanced forms management, website statistics tracking, and enhanced accessibility with the use of AO-provided Browse Aloud software. The Nature of Suit report was re-engineered to utilize a live database link to CM/ECF, which allows the report to generate dynamically upon request.

The IT Helpdesk, in addition to providing day-to-day support, worked on several special projects, including physical inventory sighting, advanced printer repairs, equipment procurement, and power outage and storm preparations. In addition to adding Mac expertise to the helpdesk repertoire, IT staff was able to repurpose parts from broken equipment to revive several scanners, saving the district considerable expense. Due to flooding, retirements, chambers upgrades, and position changes, the IT Helpdesk relocated various staff members throughout the year. The IT department also assisted in providing technology for several special events, including investiture ceremonies, establishing holding cell block video feeds for unruly defendants, events in ninth-floor courtrooms in Baltimore, and addressing unique video conferencing requests.

### Jury Statistics

A total of 12,820 jurors were summoned for jury service in fiscal year 2011, and 3,421 trial jurors reported to the court for participation in 68 trials that proceeded to verdict. Forty-four jury trials were held in criminal cases, and twenty-four were held in civil cases. A total of 3,847 grand jurors spent 1,105 hours in session, convening 199 times during the year. The jury

department assisted with special jury pools for two high profile cases, which included the mailing of questionnaires to 300 jurors for each special pool and making multiple copies of returned questionnaires for the judges and counsel.

Judges on our local jury committee, as well as the court's jury administrator, hosted several luncheons for departing grand jurors to discuss general concerns with the overall process and recommendations for improving the term of service. Many of the recommendations made by the jurors have been implemented based on this valuable exchange of information.

### Public Outreach

Several of our judges serve on the Federal Court Liaison Committee, which includes members of the federal and state bar associations, the Bankruptcy Bar Association, and/or the United States District Court Liaison Committee. These committees meet throughout the year to discuss local rules and procedures and joint ventures of the bench and bar.

The Baltimore and Greenbelt courthouses continue to host judges, attorneys, administrators, and students from foreign countries. Our international outreach efforts over the past few years include hosting guests from Africa, Argentina, Brazil, Bolivia, Chile, China, Colombia, Costa Rica, Dominican Republic, Eastern Caribbean, Ecuador, Egypt, El Salvador, Guatemala, Honduras, Israel, Italy, Japan, Jordan, Kazakhstan, Korea, Kyrgyzstan, Lebanon, Malaysia, Moldova, Nicaragua, Nigeria, Pakistan, Paraguay, Peru, Philippines, Russia, Turkey, Uruguay, and Venezuela. Judges traveled to Argentina, China, Iraq, Portugal, Russia, and Turkey for judicial education programs.

The Clerk's Office arranged for federal agencies to use courtrooms for executive branch agency hearings. Those agencies included the United States Department of Labor, the National Transportation Safety Board, the United States Tax Court, and the United States Merit Systems Protection Board. The district also hosted several Federal Bar Association programs, the United States Attorney's Office award ceremony, and several CJA panel training sessions.

The fiscal year welcomed the incoming law clerks with the annual judge and law clerk softball game on October 7, 2010. The softball game was followed, on October 12, 2010, by the Hargrove Breakfast for new law clerks. The breakfast is a district tradition started by the late Judge John R. Hargrove, Sr., who strongly believed in the bench's responsibility to provide a social network foundation for law clerks to encourage the development of collegial relationships throughout their careers. After the breakfast, Chief Magistrate Judge Paul W. Grimm gave a presentation to the new clerks on discovery and discovery sanctions, pleading requirements, and employment law. The clerks also learned about the daily operation of the district court through presentations by managers and supervisors of the Clerk's Office.

On November 5, 2010, Magistrate Judge Susan K. Gauvey hosted an Open Doors program in Baltimore. The program, which involved children from various local high schools, included mock trials, discussions with unit executives and judges, and lunch with the bench.

On December 10, 2010, Judge Grimm participated in a Federal Bar Association settlement conference workshop at the Baltimore courthouse.

In December 2010, holiday open houses and staff holiday luncheons were held in the Baltimore and Greenbelt courthouses to thank staff, all court units, and members of the bar for their commitment and dedication to the court throughout the year.

On January 6, 2011, Jury Services staff members in Greenbelt gave a presentation on our automated jury systems and jury management to a delegation from the Shandong Province of the People's Republic of China.

On February 8, 2011, the court hosted the joint dinner meeting of the J. Franklyn Bourne Bar Association and the Prince George's County Bar Association in Greenbelt.

In February, many judges attended a judicial workshop hosted by the Fourth Circuit Judicial Council in Charleston, South Carolina.

During fiscal year 2011, 1,372 applicants were naturalized and sworn as new citizens in 32 ceremonies in our court. On March 4, 2011, Magistrate Judge Beth P. Gesner presided over a special naturalization ceremony that was sponsored by the fourth grade class of Chesapeake Academy. The students prepared gift booklets, packets, and flags for each new citizen. The students also led the Pledge of Allegiance. The students of Chesapeake Academy hosted a reception following the ceremony.

On April 14, 2011, the Greenbelt courthouse hosted an appellate practice seminar organized by the Federal Bar Association. Guest speakers included Fourth Circuit Judges Andre M. Davis, Diana G. Motz and Paul V. Niemeyer, and Clerk of the Fourth Circuit Patricia S. Connor.

On May 19, 2011, the bench sat *en banc* for the annual Law Clerk Admission Ceremony. The law clerks of Fourth Circuit, district, magistrate, and bankruptcy judges based in Baltimore and Greenbelt attended this ceremony at the Baltimore courthouse. Many of their family members were on hand to witness their admission to the bars of the District of Maryland and the United States Court of Appeals for the Fourth Circuit, and to celebrate at the reception that followed.

On June 30, 2011, Judges Catherine C. Blake and J. Frederick Motz hosted a brown bag lunch for summer interns and law clerks. The program was repeated on July 7, 2011, with Judges Richard D. Bennett and Benson Everett Legg serving as hosts.

On July 12, 2011, the district judges traveled to Washington, D.C., to have lunch with the Maryland congressional delegation. This luncheon has become an annual event, giving the judges an opportunity to discuss pressing matters in the judiciary with local members of Congress.

On July 13, 2011, Brent C. Kaiser, the Community Corrections Administrator for the Bureau of Prisons, met with the district and magistrate judges to discuss services offered to inmates in federal facilities.

On September 19, 2011, the Hargrove Breakfast was again held for the new class of law clerks. In addition to Judge Grimm's annual presentation, the law clerks attended an employment law seminar in Greenbelt on September 20, 2011, conducted by prominent local practitioners Patrick L. Clancy of Venable, LLP, Diane Seltzer of the Seltzer Law Firm, and Darryl R. VanDeusen of Kollman & Saucier, P.A. These programs, held early in the year, help law clerks prepare for the many challenges they will face during their clerkships.

On September 28, 2011, United States Marshal's Service Director Stacia Hylton met with the district, magistrate, and bankruptcy judges to discuss several security related issues.

Throughout the year, artwork from local arts councils was on display in the Greenbelt courthouse, and several receptions were held to honor the local artists who displayed their work.

### Space and Facilities

No longer on the Five Year Courthouse Construction list, the aging Baltimore courthouse desperately needs a comprehensive master plan to address the needs of its tenants for an expected thirty more years. The courthouse is in need of major renovations. No source of funding for these renovations has been identified outside of the judiciary, and judiciary resources are too scarce to fund projects of this size. GSA has told the court that it must devote its entire annual budget for the Baltimore courthouse for the next twenty years to upgrade the electrical, plumbing, and HVAC systems. Although GSA began work this year on replacing the risers and trunk lines of the antiquated plumbing system, progress toward a total renovation will be slow given the lack of federal funding available for the extensive and necessary renovations. A top-to-bottom master plan for the building and a funding strategy must become a priority for all agencies involved in restoring and maintaining this courthouse.

Because of continuing problems with the plumbing, infrastructure, and security risks at the Baltimore courthouse, Senator Benjamin Cardin conducted a Senate Environment and Public Works Committee public hearing there on April 28, 2011, discussing safety and security in United States federal courthouses. Witnesses at the hearing included Judge Michael A. Ponsor, Judge J. Frederick Motz, Baltimore Mayor Stephanie Rawlings-Blake, and GSA Deputy Administrator Susan Brita.

Several funded projects were completed in the Baltimore courthouse during the fiscal year. Courtrooms 7A and 7D received infrastructure and audio visual upgrades to their existing, but dated, courtroom technology systems. Chambers 3D and 5B were renovated with new finishes, kitchens, and built-in workstations in preparation for the new district judges. The district was also awarded a component C project this year for replacement of the HVAC in the Baltimore server room.

Over the years, two unusable courtrooms on the second floor of the courthouse became storage areas for excess and damaged furniture and equipment. During this fiscal year, the Clerk's Office cleaned out these spaces and properly disposed of the property being warehoused therein. Once the space was empty, the court was able to return this square footage back to GSA, thereby reducing the district court's rent bill.

The Baltimore courthouse saw its share of flooding this year with two significant floods causing thousands of dollars of damage to court space, including the clerk's office, several chambers, and the ceremonial courtroom. Court personnel have finally been relocated back to their work stations and the chambers are again functional, but the clean-up from these floods continues. Although funding has been approved, carpet replacement in the ceremonial courtroom will not take place for a few more months.

The Greenbelt courthouse opened in 1994 and reached full occupancy in 1995. The court has been pushing hard for construction of an annex to the courthouse for the last ten years. This effort has been long, difficult, and frustrating; however, with the support of our congressional delegation – House Minority Whip Steny Hoyer, in particular – progress was made in fiscal year 2009 when Congress appropriated money for the design of the Greenbelt Annex. Since that time, Chief Judge Chasanow has worked diligently to keep this project moving forward, personally participating in the selection of the architectural firm that will design the project. Unfortunately, independent events – including the new courtroom sharing policies of the Judicial Conference, the limitations on the number of courtrooms that can be built on the Greenbelt courthouse complex, and the national budget crisis – have forced the court to reevaluate the probability of ever seeing an annex constructed on this site. Working with the Administrative Office of the United States Courts, GSA, and local unit executives, the judges are now studying the feasibility of alternatives to building an addition to the Greenbelt courthouse. Decisions are expected to be made in the next few months that will determine the appropriate course of action necessary to design and construct space that will provide for the anticipated growth of this courthouse over the next decade.

Fiscal year 2011 saw the installation of an upgraded audio and video system, carpeting, and painting in Courtroom 2A in Greenbelt.

Due to our dire budget constraints, the Clerk empowered staff this year to develop cost saving initiatives to benefit the district. At the request of Facilities Manager Brett Gwin, the court purchased signage equipment that has allowed Mr. Gwin to produce all in-house directional signage for both courthouses at a cost savings in fiscal year 2011 of \$30,000. In-house signage was produced for emergency evacuation procedures and for updating directories.

### **CRIMINAL JUSTICE ACT (CJA) SUPERVISING ATTORNEY**

Donna Shearer continues to act as a liaison between the court and the CJA felony panel attorneys. She advises the panel attorneys on experts and other service providers and negotiates reduced rates for the panel members. Ms. Shearer works closely with the United States Attorney's Office and Pretrial Services to ensure that attorneys are assigned at the earliest stage,

the defendant's initial appearance. Her office coordinates the appointments and maintains conflict lists in all large multiple defendant cases. This year has brought a substantial increase in the number of large multiple defendant cases indicted by the United States Attorney's Office.

Ms. Shearer is assisted by CJA Technician Nicole Bierman. Ms. Bierman carefully audits each voucher for mathematical accuracy and compliance with CJA Guidelines. The vouchers are then forwarded to Ms. Shearer for a reasonableness review and approval if the voucher is under the statutory maximum. If the voucher is over the statutory maximum, Ms. Shearer prepares a memorandum or letter to support the claim for the presiding judicial officer.<sup>1</sup>

In fiscal year 2011, this office made 952 assignments, representing a 10% increase over fiscal year 2010. Ms. Shearer also reviews all requests for expert and investigative funding. If the amount 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 \$2,400, she reviews the request, makes a recommendation, and prepares a draft confidential memorandum to Chief Judge Traxler for the presiding judicial officer.

The number of vouchers processed for payment was fewer than in earlier years, probably due to a change in the staffing formula for misdemeanor cases.<sup>2</sup> In FY 2011, the number of

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<sup>1</sup> The following is a comparison of yearly CJA expenditures:

Payments	FY 2008	FY 2009	FY 2010	FY 2011
Attorneys	\$ 3,943,119.22	\$ 5,461,427.82	\$ 4,004,183.68	\$ 4,107,191.32
Experts (felony & capital cases)	\$ 414,648.46	\$ 444,303.01	\$ 626,300.85	\$ 402,360.74
Total Paid*	\$ 4,514,541.34	\$ 6,113,815.27	\$ 4,803,669.85	\$ 5,328,282.80
Total Capital Case Costs	\$ 1,657,944.99	\$ 3,042,940.45	\$ 982,895.81	\$ 726,886.96
% CJA Costs attributed to capital cases	37%	50%	20%	14%

\*includes transcript and GTA costs

<sup>2</sup> The voucher totals since FY 2000 are as follows:

FY 2000 692 vouchers processed for payment  
 FY 2001 788 vouchers processed for payment  
 FY 2002 723 vouchers processed for payment  
 FY 2003 1,048 vouchers processed for payment  
 FY 2004 1,162 vouchers processed for payment  
 FY 2005 1,335 vouchers processed for payment  
 FY 2006 1,294 vouchers processed for payment

capital prosecutions dropped – only one death eligible prosecution was brought. The CJA Supervising Attorney has been advised to expect at least eight death eligible cases in the next fiscal year.

Ms. Shearer has developed expertise in setting budgets in capital and mega-cases. She has assisted judges in the Fourth Circuit with review of pending case budgets. During fiscal year 2011, Ms. Shearer trained one new CJA Supervising Attorney and a panel administrator. Prior to her retirement, Chief Judge Karen J. Williams nominated Ms. Shearer to participate in the Electronic CJA Vouchering Working Group. This is a three-year working group consisting of representatives from each circuit, the Office of Defender Services, and committee liaisons from the Judicial Conference. Ms. Shearer continues to work with this group.

Ms. Shearer also staffs the court's CJA Committee meetings. She reviews and makes recommendations regarding all applications for the felony panel to the CJA Committee, prepares the CJA Committee meeting minutes, and serves as the court's in-house counsel on CJA matters.

In February 2011, Ms. Shearer attended the annual CJA panel representative conference. At that meeting, she led a discussion on voucher preparation. She was also invited to attend the Fourth Circuit Judicial Conference this year, where she gave a presentation on voucher review and case budgeting.

Ms. Shearer works diligently to mentor young attorneys on the felony panel. This mentoring program for inexperienced attorneys is a substantial benefit to the associates at firms and to the court. Several young attorneys have been admitted to the felony panel over the past year. For this work and her work for the court, Ms. Shearer was recognized by *The Daily Record* as one of Maryland's Leaders in the Law in 2011.

The court's CJA case costs were affected this year by the large number of multiple defendant cases. In case number CCB-11-0114, for example, the government charged thirty defendants; in case number JFM-11-03 the government charged thirty-two defendants; and in case number JKB-11-096 the government charged sixteen defendants. While case number L-10-0336 was brought in June 2010, twenty-two defendants were charged and the case has continued into FY 2011. Each of these cases contains large volumes of discovery and the sheer number of defendants increases case costs and puts a strain on the court and its staff. These cases have been approved for interim payments so Ms. Shearer can track the costs.

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FY 2007	1,413 vouchers processed for payment
FY 2008	1,616 vouchers processed for payment
FY 2009	1,607 vouchers processed for payment
FY 2010	1,566 vouchers processed for payment
FY 2011	1,439 vouchers processed for payment

## **PRO SE STAFF ATTORNEYS**

In fiscal year 2011, cases filed by self-represented prisoner litigants accounted for 23% of all civil filings in this district. While the percentage of prisoner filings remains the same, the number of filings increased 6% from the previous year. Non-prisoner self-represented filings comprised an additional 9% of the civil docket. When these figures are combined, new case filings by self-represented litigants totaled nearly one-third of all civil filings in the District of Maryland.

Among prisoner cases, civil rights filings lead the way with 463 new cases filed in 2011. Challenges to federal convictions also continue to be filed at a steady rate, while state habeas corpus petitions rose 50% after a five-year decline. The court continues to see an increase in the number of motions filed in closed criminal cases, particularly motions filed under Fed. R. Civ. P. 60, Fed. R. Crim. P. 35, and 18 U.S.C. § 3582. Often, these motions must be re-characterized as motions to vacate under 28 U.S.C. § 2255.

In anticipation of the tremendous volume of motions likely to be filed as a result of the Fair Sentencing Act, staff attorneys are working with chambers to draft responses to prisoner inquiries and working with the court to implement effective ways to ensure case review, beginning November 1, 2011.

Prisoner civil rights filings alleging gang-related violence in state prisons remain high and have received local media attention in the past year as a result of serious assaults and homicides within the prisons. Prison transfers due to concerns for personal safety in light of gang violence continue to generate many civil rights challenges. Actions regarding health care concerns and allegations of assault at the hands of correctional personnel also remain high. The state prison health care system is in flux – a merger of health care providers has occurred, new health care providers are bidding for the health care contract, and a new law firm is involved in representing some of the medical providers. Appointment of counsel is needed with greater frequency as it becomes increasingly difficult to resolve these cases on summary judgment.

Compared to past years, fewer habeas corpus cases are being dismissed on procedural grounds. Appointment of counsel has occurred with greater frequency in these cases as well.

## **UNITED STATES MAGISTRATE JUDGES**

While the magistrate judges primarily sit in the Baltimore and Greenbelt courthouses, they also hold hearings at off-site locations, including Salisbury, the Aberdeen Proving Grounds, Andrews Air Force Base, the Naval Academy, Fort Ritchie/Fort Detrick, Fort Meade, and the Patuxent River Naval Air Station. Magistrate judges also hear cases on the United States Park Police docket and dockets covering the National Institutes of Health and five other federal facilities. When combined, these dockets constitute the largest volume of traffic and parking violations in the country, as well as the largest miscellaneous and Class A misdemeanor dockets in the federal judiciary.



Various federal arresting agencies issued 30,818 new misdemeanor and petty offense citations in fiscal year 2011. The magistrate judges presided over 5,696 mandatory appearances and 25,122 collateral appearances during the fiscal year, and 59,847 citations reached disposition. Magistrate judges issued a number of fines and \$2,565,975.32 has been collected.

One of the primary responsibilities of magistrate judges is holding settlement conferences. This fiscal year, the court's magistrate judges conducted 534 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. The court frequently receives letters from counsel expressing gratitude that a seemingly intractable case has been resolved.

## **BANKRUPTCY COURT**

The number of bankruptcy filings remained strong in fiscal year 2011, with a total of 26,413 new petitions filed in the district. Nevertheless, the bankruptcy court experienced an overall decrease of nearly 10.5% in the number of filings compared to fiscal year 2010. More specifically, chapter 7 cases decreased by 3%, chapter 11 cases decreased by almost 37%, and chapter 13 cases decreased by approximately 30%.

The bankruptcy court enjoys a collegial relationship with the district court. Chief Judge Kier is using a district courtroom and chambers during his recall status. Several significant facilities projects were completed this fiscal year as a result of judicial transitions. In Baltimore, Chambers 1B and 9D were renovated; Judge Robert A. Gordon relocated from 9D to 1B and Judge Rice moved into 9D. A multi-use training and conference space was created in the Clerk's Office in Greenbelt.

Judge Nancy V. Alquist, Vice Chairperson of the International Relations Committee of the National Conference of Bankruptcy Judges, traveled to Iraq in January 2011 to confer on the rule of law and the creation of the first Iraqi Commercial Court. In May, she hosted the first delegation of judges from Egypt to visit this country since the uprisings in that country. The delegation was sponsored by the Commercial Law Development Program/Department of State. Judge Alquist led the discussion on U.S. reorganization law, and the delegation observed a demonstration of CM/ECF presented by the Bankruptcy Clerk. In September, Judge Alquist, a representative of the Office of the Assistant United States Trustee, and Bankruptcy Clerk's Office staff members discussed secured debt issues with government dignitaries and legal officers from Chile, Colombia, and Panama. Their visit was coordinated under the Department of State's International Visitor Leadership Program.

In the fall of 2010, the Judicial Conference of the United States conducted its biennial judgeship study. In addition to the bankruptcy judges, those participating included members of the Bankruptcy Bar Association for the District of Maryland, the Maryland State Bar Association, Consumer Section, and court staff. The study concluded that not only should the court's three temporary judgeships be converted to permanent positions, but an additional eighth

permanent judgeship should be created.

In February 2011, Judges Alquist, Lipp, and Gordon, along with clerk's office staff, attended the Strategic Planning Workshop for Bankruptcy Courts sponsored by the Federal Judicial Center in Redondo Beach, California. Goals for the revised strategic plan were identified and the court is implementing strategies for achieving those goals. Also in February, the Clerk and the Administrative Manager attended the National Space and Security Circuit-based Workshop for the Fourth Circuit in Richmond. The information provided at the workshop has been of assistance in managing facilities issues.

In March, the bankruptcy court recognized the hard work and dedication of its staff members at the Sixth Annual Employee Recognition Ceremony. At the event, employees were presented with various awards, including length of service, team of the year, and employee of the year. In June, the court conducted a Work Environment Survey of office staff members to obtain their perspective about the quality of work life and to assist management in setting priorities and developing programs.

The accounting firm engaged by the Administrative Office conducted an audit of the court in June and July. The audit covered the period from October 1, 2007, through March 31, 2011, and did not identify any material weaknesses or significant deficiencies. The Clerk and the Administrative Manager also attended training on the use of the Internal Controls Evaluation program, also referred to as ICE, in San Antonio.

The local bankruptcy rules were revised as of September 1, 2011, to conform with changes to the Bankruptcy Code created by the "Bankruptcy Technical Corrections Act of 2010" and to make other technical changes. The revised rules replaced the term "pro se" with either "without counsel" or "self-represented" in conformance with the local rules of the district court.

Also in early September, the court successfully completed a Continuity of Operations Plan (COOP) exercise that was staged because of the inaugural Baltimore Grand Prix. The courthouse was adjacent to the track and streets around it were closed for the race. The impact of the event was minimal, however, as Baltimore judges and staff members were able to telework and judges and court staff in Greenbelt maintained normal operations. Additionally, the Clerk and other members of the management team participated in Charm Challenge 11, a COOP table top exercise hosted by the Baltimore Federal Executive Board and FEMA.

The Debtor Assistance Project (DAP) continues to provide services to low income individuals who either have filed bankruptcy without an attorney or are considering filing bankruptcy and plan to represent themselves. The DAP is a collaborative project between the court and its partner agencies. The program operates in both the Baltimore and Greenbelt courthouses, as well as on the Eastern Shore in Easton. As of the close of fiscal year 2011, the program has provided free legal assistance to over 1,800 debtors or potential debtors since it opened in 2009. In recognition of its efforts, the court received the 2011 Maryland Pro Bono Service Herbert S. Garten Special Project Award as a partner in the DAP from the Pro Bono Resource Center of Maryland. The court and its DAP partners facilitated consumer bankruptcy training for practitioners at the Greenbelt courthouse in March and at the Baltimore courthouse in April. Additionally, the Bankruptcy Bar Association and district court's Liaison Committee met

throughout the year to address areas of mutual concern.

The court would like to thank Fourth Circuit Clerk Patricia S. Connor and her staff for working collaboratively with the Clerk's Office staff in developing the process for electronically transmitting direct appeals to the circuit court. The new process has improved efficiency for both courts and was provided to the other bankruptcy courts in the Fourth Circuit for use as a model.

The court has been selected, along with the other court units in the district, to be a pilot site for National Internet Protocol Telephony Service implementation. The court also partnered with other bankruptcy courts using a multi-court voice case information system for case related information instead of its own local service. Additionally, the court served as a lead court in the transition to version 4.1 of CM/ECF.

Staff members of the Clerk's Office have served on workgroups and committees this past year that have benefitted both the court and the judiciary. The Clerk of Court was selected as a member of the Bankruptcy Noticing Working Group. The Clerk also served as faculty for the new Clerk/Chief Deputy orientation at the Administrative Office. The Information Technology Manager was a member of the CM/ECF Bankruptcy Working Group. The Financial Administrator has served on the development team for the JFINSYS program.

The court was fortunate to have been selected to make two presentations at the 2011 Bankruptcy Operational Practices Forum held in Indianapolis in August. The court presented its locally-developed CM/ECF quality control program (QCP). Four other courts are already using QCP, and a number of courts expressed interest in utilizing the program. The court also presented the Debtors Assistance Project at the forum.

The court's Strategic Training Committee provided staff members with a number of opportunities throughout the fiscal year to enhance professional development. For example, the court held its annual best practices forum in May. This year, the forum focused on the court's core values and provided training to staff about the Code of Conduct for Judiciary Employees, as well as how to improve working relationships and interpersonal communication skills. The committee also organized a number of peer-to-peer and lunch-and-learn sessions. Additionally, the committee coordinated cardiopulmonary resuscitation and automatic external defibrillator certification training in September.

Staff members were able to avail themselves of the training and professional development opportunities at the National Conference of Bankruptcy Clerk's annual conference held in New Orleans. The District of Maryland has been selected to host the conference in Baltimore in August 2013 and staff members have begun the planning process. Additionally, the Baltimore Division Manager has been selected to serve on the NCBC Education Committee, which develops the curriculum for the annual conferences.

## **UNITED STATES PROBATION AND PRETRIAL SERVICES OFFICE**

Probation and pretrial services functions in the District of Maryland are consolidated under the leadership of William Henry. Mr. Henry has organized his office into three departments: (i) the Pretrial Services Department, which has twenty-two employees; (ii) the Presentence Investigation Department, which has twenty-two employees; and (iii) the Supervision Department, which has seventy-eight employees. Additionally, there are thirty-six employees that directly support the work of the officers in all departments. Over the past fiscal year, Mr. Henry's office supervised approximately 3,800 men and women and conducted approximately 1,800 pretrial and presentence investigations.

Supervision Department officers participated in ongoing training to develop their knowledge of evidence-based practices, which included a two-day training on the use of the Post Conviction Risk Assessment (PCRA) tool, which was implemented in June 2011. The PCRA provides officers with a roadmap to supervision based on the risks, strengths, and needs of each offender. Some performance standards for the department were modified to conform with the PCRA. One officer serves as a national trainer on the PCRA implementation team.

The office created an Evidenced-Based Practices Working Group, which is comprised of four managers and ten officers. The group is charged with helping the district continue to develop as a "results-based organization." The group is currently working on identifying internal and external resources that will assist in implementation; recommending standards, goals and strategies for implementing evidenced-based practices; identifying the most effective cognitive-behavioral treatment program for the district's population; and introducing evidenced-based practices to other departments.

As part of the implementation of evidenced-based practices, the office has contracted with a treatment center to facilitate Moral Reconciliation Therapy (MRT) as a pilot. MRT utilizes a structured approach to working with offenders on their criminal thinking patterns while simultaneously teaching pro-social skills. The goal of this program is to change the way offenders think, thereby changing the way they behave. To date, eighteen offenders have participated in the program.

Seven officers piloted an electronic reporting system for offenders. This program allows offenders to submit monthly supervision reports utilizing the electronic reporting system. The program allows officers to track the submission of reports and alerts officers to significant changes, such as a change of residence or employment. All supervision officers will begin using electronic reports as of October 2011.

The office has implemented document imaging, a paperless environment, in the Baltimore Presentence units. In the near future, the office will be implementing document imaging in the Greenbelt Presentence unit, followed by the Baltimore and Greenbelt Pretrial and Supervision departments.

The Offender Workforce Development team continued its efforts to assist offenders with employment. There were two offender workshops held each month in the district. The

Maryland One Stop Career Centers continue to be a primary resource for Probation's offenders to obtain assessments, readiness training, vocational training, and job referrals. In Baltimore, the office continues to have a full-time Workforce Development Case Manager who works exclusively with offenders. A similar position is in place in Prince George's County on a part-time basis. The office also continues to refer offenders to other resources to assist them with educational and employment needs.

## **PRETRIAL DETENTION**

The lack of a federal pretrial detention facility in this district had been an issue of grave concern to the bench and bar for decades. Currently, the daily inmate population in pretrial detention, awaiting sentencing or designation to the U.S. Bureau of Prisons, exceeds six hundred. In 2009, the Marshal's Service, the Office of the Detention Trustee, and the State of Maryland began negotiations for a permanent facility in Maryland. In February 2011, the Maryland Correctional Adjustment Center ("MCAC"), 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. Although not the ideal solution to our lack of a federal pretrial detention facility, the procurement of a secure facility dedicated to federal prisoners has been an achievement for our district. The court has cooperated with the Marshal's Service, the Office of the Detention Trustee, and the State of Maryland in setting up MCAC. However, the MCAC primarily serves the court's northern division. Other contract facilities are provided by the Marshal's Service for the detention of additional prisoners, particularly in the southern division. Some of these facilities are located six hours round-trip from the district's two courthouses. The need for the CJA panel attorneys to travel to these outlying facilities increases the cost of the representations.

The court is committed to working with the Marshal's Service in providing a secure environment for federal prisoners that also provides adequate medical care, an effective and efficient visitation system for counsel and family members, as well as educational, counseling and recreational opportunities. Some strides have been made, particularly at MCAC, in providing some of these services. As long as the Marshal is forced to rely on contract beds from local detention facilities, however, it will be difficult to provide housing with consistent standards.

## **CONCLUSION**

The bench wishes to thank recalled Magistrate Judge Mildred E. "Mimi" Methvin, of the United States District Court for the Western District of Louisiana, who volunteered her time and effort to assist the court during the past fiscal year. The bench also thanks the employees of the district and bankruptcy courts, and related agencies, for their continued hard work and dedication.