

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**



**FISCAL YEAR 2017 ANNUAL REPORT**

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

## **DISTRICT JUDGES**

(One Vacancy)

### Active Judges

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

### Senior Judges

Deborah K. Chasanow  
Marvin J. Garbis  
Peter J. Messitte  
J. Frederick Motz  
William M. Nickerson  
Roger W. Titus

## **MAGISTRATE JUDGES**

(No Vacancies)

### Full-Time

William Connelly, Chief  
A. David Copperthite  
J. Mark Coulson  
Charles B. Day  
Thomas M. DiGirolamo  
Stephanie A. Gallagher  
Beth P. Gesner  
Timothy J. Sullivan

### Part-Time

C. Bruce Anderson

### Recalled

Susan K. Gauvey  
Jillyn K. Schulze

## **BANKRUPTCY JUDGES**

(No Vacancies)

### Active Judges

Nancy V. Alquist, Chief  
Thomas Catliota  
Robert A. Gordon  
Michelle M. Harner  
Wendelin Lipp  
David E. Rice  
Lori S. Simpson

### Recalled Judges

E. Stephen Derby  
Duncan W. Keir  
James F. Schneider

## **COURT UNIT EXECUTIVES**

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

**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**

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## MILESTONES

The United States District Court for the District of Maryland passed numerous milestones during the 2017 fiscal year. On October 6, 2016 the seventh biennial Northrop Lecture was held at the Greenbelt Courthouse. The lecture featured keynote speaker Attorney Ken Feinberg, an expert in mediation and alternative dispute resolution.

On October 20, 2016, the court held an investiture ceremony for newly appointed Bankruptcy Judge Lori S. Simpson. Judge Simpson, who was sworn in at an informal ceremony on September 7, 2016, was appointed by the Fourth Circuit Court of Appeals to replace Bankruptcy Judge Paul Mannes.

The court and the Historical Society of the United States District Court for the District of Maryland continued their history of working together to preserve our district's rich history. On December 22, 2016, the Historical Society page, which features oral histories from former and current district and bankruptcy judges as well as portraits, historic cases and documents, went live on the District Court's website.

On May 9, 2017, Bankruptcy Judge James F. Schneider retired after more than 35 years of dedicated service to the court, the most for any bankruptcy judge in the District of Maryland. Judge Schneider was promptly recalled on May 10, 2017, and continues to serve the court as a recalled Bankruptcy Judge.

On June 2, 2017, District Judge Peter J. Messitte was awarded the Order of Southern Cross (Ordem do Cruzeiro do Sul) by Brazilian President Michel Temer during a ceremony in Brasilia. This award, which is the highest award Brazil can bestow upon a non-Brazilian, was awarded to Judge Messitte for his contributions to the Brazilian Judiciary over almost fifty years. Past recipients of this prestigious award include Queen Elizabeth and President Dwight Eisenhower.



The Federal Judicial Center held a workshop for the judges of the Fourth Circuit in Baltimore June 13-15, 2017 at the Renaissance Baltimore Harborplace Hotel. The Maryland Chapter of the Federal Bar Association and the Fourth Circuit District Judges Association cosponsored a reception for the judges attending this workshop on the evening of June 13<sup>th</sup>.

On September 14, 2017, the court held an investiture ceremony for newly appointed Bankruptcy Judge Michelle M. Harner. Judge Harner, who was sworn in at an informal ceremony on June 19, 2017, was appointed by the Fourth Circuit Court of Appeals to replace Judge Schneider as an active member of the bankruptcy bench.

On September 28, 2017 the Greenbelt Courthouse held a portrait ceremony in honor of Chief Magistrate Judge William Connelly. Judge Connelly, who was appointed as a United States Magistrate Judge in March 1995 and was reappointed to second and third terms in 2003, and 2011, was honored by his colleagues District Judge Deborah K. Chasanow and Magistrate Judge Timothy J. Sullivan. Deputy Attorney General for the United States Department of Justice Rod Rosenstein was also in attendance and spoke during the ceremony.

## **COURT ORGANIZATION AND GOVERNANCE**

The federal bench in Maryland has a long history of collegiality in conducting the business of the district. The district judges in both divisions maintain regular contact through weekly video-conferenced bench meetings. On the first Wednesday of each month, magistrate and bankruptcy judges, court unit executives, representatives of the United States Attorney's Office, the Federal Public Defender's Office, the United States Marshal Service, GSA, pro se staff attorneys, the Federal Bureau of Prisons, court reporters, and CJA Coordinating Attorney join the district judges in a consolidated bench meeting.

The court strives to focus on continuous communication and coordination of operations between its different divisions and court units. It relies on a strong committee system that actively involves judges, clerk's office personnel and members of the local bar. Frequent meetings, including those among the unit executives, are an essential part of the court's administration. The court units – the District Court, the Bankruptcy Court, and the consolidated Probation and Pretrial Services office – work closely together to manage the resources of the district. The unit executives meet formally and informally with the chief judge and each other to discuss budget and case management issues affecting the district.

After making substantial revisions to the Local Bankruptcy Rules in August 2016, additional amendments to Local Bankruptcy Rules 7012-1, 7056-1 and 9033-1 were drafted by the Bankruptcy Court, published for public comment and implemented with an effective date of December 1, 2016. In addition, amendments to Administrative Order 03-02, Exhibit A (Electronic Case Filing Procedures for Electronic User Access) and Exhibit B (Procedures for Electronic Filing of Documents by Creditor's Designee), were implemented with a December 1, 2016 effective date. On March 1, 2017, the Bankruptcy Court entered a new Administrative Order 17-01 Governing the Possession and Use of Electronic Devices by the Public in the Bankruptcy Court.

## **BENCH/BAR RELATIONSHIPS**

Cooperative efforts among the bench and bar continue 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 address court business, review local rules and procedures, and plan educational programs throughout the year in which the district's judges actively participate. The court holds a Bench-Bar Conference every two years, which includes the presentation of an award recognizing an attorney, law firm, or group of attorneys for outstanding service to the court.

In recent years, the bench has worked closely with the bar to establish the Historical Society of the United States District Court for the District of Maryland, which has, among its objectives, developed and installed creative exhibits highlighting court history. As previously mentioned, the Historical Society page went live on the District Court's website in fiscal year 2017.

## **COMMUNITY AND INTERNATIONAL OUTREACH**

Several of the district's judges serve on committees governing the administration of the federal courts. District Judge Roger W. Titus completed his final term as a member of the Judicial Conference Committee on Court Administration and Case Management in 2017. Chief Bankruptcy Judge Nancy V. Alquist continues to serve as the Fourth Circuit Representative Member of the Board of Governors for the National Conference of Bankruptcy Judges, and Bankruptcy Judge Thomas J. Catliota continues to serve as the Chair and the Fourth Circuit Representative on the Bankruptcy Judges Advisory Group.

The court hosted educational programs for several schools, university visitors and legal professionals throughout the year. Magistrate Judge Stephanie A. Gallagher hosted the annual Open Doors program in Baltimore. 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. Bankruptcy Judge Robert A. Gordon was the welcome speaker and a host for the Open Doors program. Judge Chasanow hosted a group of high school teachers participating in the Federal Judicial Center (FJC) and American Bar Association (ABA) summer institute for teachers group. Additionally, District Judge Marvin J. Garbis hosted a Legal Advocacy Training for Maryland legal services corporation attorneys.

In December 2016, holiday open houses and staff holiday luncheons were held in the Baltimore and Greenbelt Courthouses to thank staff members of all court units and members of the bar for their commitment and dedication to the court throughout the year.

On March 4, 2017, Bankruptcy Judge Wendelin I. Lipp appeared on the Eye on Bankruptcy series sponsored by the Bloomberg News and the American Bankruptcy Institute.

In fiscal year 2017, several judges actively participated in programs designed to foster the education of citizens and international tribunals regarding operation of the federal judiciary. The Baltimore and Greenbelt Courthouses carried on a tradition of hosting judges, attorneys, administrators, and students from foreign countries. In December 2016, District Judge Richard D. Bennett traveled to Kiev, Ukraine to participate in an international education program in conjunction with the United States Agency of International Development (“USAID”) of the Department of State. Additionally, in February 2017 Judge Bennett met with a delegation of municipal officials from the country of Georgia at the United States Court of Appeals in Annapolis. Judge Messitte hosted two election judges from Brazil, Brazilian prosecutors, professors and law clerks from Mexico and several visitors from various Latin American countries. The Northern Division judges welcomed West African judges for an International Judicial Academy. In collaboration with the Office of China Affairs for the University of Maryland, the Southern Division welcomed judges from the Jiangsu Province in China.

From October 2016 to April 2017, Judge Lipp hosted Moroccan Judge while Judge Mouna El Mesmoudi as an interim while Judge Mesmoudi was a Hubert H. Humphrey Fellow at the American University Washington College of Law. Chief Judge Alquist traveled to Dubai at the invitation of the United Arab Emirates (UAE) and the Dubai Judicial Center, to work for a week with UAE judges on a wide range of bankruptcy related issues, processes and procedures. Her work with the judges included a live presentation of the court’s CM/ECF system. Judge Catliota hosted the Wenzhou Bankruptcy Administrator Association. The Wenzhou Bankruptcy Administrator Association is the first city-level bankruptcy administrator autonomous organization of Zhejiang province and the second such organization in China. The Association is supervised by the Intermediate People’s Court of Wenzhou city, which guides the daily work of the Association.

In the past several years, the court has also welcomed guests from Argentina, Australia, Bolivia, Brazil, Chile, China, Columbia, Costa Rica, the Dominican Republic, the Eastern Caribbean, Ecuador, Egypt, El Salvador, Guatemala, Honduras, Israel, Italy, Japan, Jordan, Kazakhstan, Korea, Kyrgyzstan, Lebanon, Malaysia, Mexico, Moldova, Nicaragua, Nigeria, Pakistan, Paraguay, Peru, the Philippines, Russia, Turkey, Ukraine, Uruguay, Venezuela and West Africa. Judges in this district have also traveled to Argentina, China, Estonia, Iraq, Portugal, Russia and Turkey for judicial education programs.

The District Court Clerk’s Office continued to arrange for federal agencies to use courtrooms for events and trainings. These agencies include 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 the Maryland State Court Judges Educational Program, the U.S. Attorney’s Office training day and the AUSA Professional Responsibility Training. The District Court also hosted the U.S. Attorney’s awards ceremony in the Baltimore Courthouse in fiscal year 2017 with Attorney General Jefferson Sessions in attendance. Federal Public Defender Jim Wyda and CJA Attorney Maureen Essex continue to host annual CJA Panel Trainings in the Baltimore and Greenbelt courthouses.

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* in Fiscal Year 2017. 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. On August 29, 2017, Judge Harner and Clerk of Court Mark Neal presented a bankruptcy law primer to students participating in the clinical law program, and on August 31 staff from the Clerk's Office provided the students with training and a demonstration on the court's CM/ECF system. Chief Judge Alquist, Judge Simpson and Judge Harner also made special presentations to the clinical students as part of the students' core curricula, and Chief Judge Alquist, Bankruptcy Judge David E. Rice, and Judge Harner welcomed the clinical students, together with their mentor lawyers, to appear in their courtrooms to assist *pro se* debtors in their matters before the court.

Since its inception in 1996, the District Court's art program at the Greenbelt Courthouse has contributed greatly to our region's cultural environment. The original purpose of the program was to feature works by Maryland artists, but over the years, it has expanded to include international art as well. With exhibits in quilting, photography, sculpture, and painting, the program continues to call attention to the diverse interests and creative talents of local artists and the importance of their contributions to society. Exhibits rotate quarterly and this year included various artworks from the Annapolis Quilts Guild, UMUC at College Park, and Ignacio Alperin.

On April 07, 2017, the Maryland Chapter of Federal Bar Association hosted a luncheon at the Hyatt Regency in Baltimore honoring the retirement of Judge Connelly and Judge Schneider and the appointment of District Judge Paula Xinis to the bench. Judge Bennett served as master of ceremonies. Geoffrey R. Garinther, Esquire received the Peter A. DiRito award in recognition of his distinguished career and many years of service to the District Court as co-chair of the Bench Bar Liaison Committee. Additionally, on April 21, 2017, the Maryland Chapter of the Federal Bar Association hosted the Introduction to Federal Practice program in the Baltimore Courthouse.

The bankruptcy judges had a very active summer in fiscal year 2017. In May 2017, Judge Gordon participated as a session leader at the Bankruptcy Bar Association for the Southern District of Florida's intensive, small group two-day bankruptcy workshop. In August 2017, Chief Judge Alquist, Judge Rice and Judge Catliota participated in the American Bankruptcy Institute's 12th Annual Mid-Atlantic Bankruptcy Workshop held in Hershey, Pennsylvania. On September 15, 2017, Judge Gordon, Judge Simpson and Judge Catliota participated in the Maryland Legal Aid's Chapter 13 Bankruptcy Staff Training.

During fiscal year 2017, the District Court continued its commitment to providing law clerks with the tools they need to assist judges, foster close relationships with the bench and its clerks, and to show its appreciation for the vital services the law clerks provide. The annual judges, law clerks, and interns summer softball game took place in June at Centennial Field in Ellicott City. On September 19, 2017, Judge Titus hosted an Employment Law Seminar in the Greenbelt Courthouse, which was well-received by the law clerks.

The new law clerk year began on September 29, 2017, with the annual Hargrove Breakfast for incoming law clerks. This annual tradition is hosted by the bench in memory of District Judge John R. Hargrove, Sr. who worked tirelessly to support the collegiality of the bench and the enrichment of the lives of law clerks who served this court. The breakfast was followed by both an educational program on discovery conducted by District Judge Paul W. Grimm and a presentation from various unit executives and the Clerk's Office.

## **DISTRICT COURT**

### **General Case Statistics**

During the fiscal year ending September 30, 2017, 3,731 civil cases were filed as compared to 4,349 civil case filings in fiscal year 2016. Our criminal filings remained consistent, with 529 filings (involving 781 defendants) at the end of September 2017, compared to 518 criminal cases (involving 840 defendants) filed in fiscal year 2016. The judges also closed 3,847 civil and 483 criminal cases during this fiscal year. As of September 30, 2017, our district weighted case filing per judgeship was 446 as compared to 478 at the end of September 2016.

### **Multidistrict Litigation**

In fiscal year 2017, the District of Maryland closed two multidistrict litigation (MDL) cases and received a newly certified MDL case. The following two multidistrict litigation (MDL) cases were closed:

- (1) In re KBR, Inc., Burn Pit Litigation (MDL No. 2083) assigned to Judge Titus was closed on July 19, 2017.
- (2) In re CTP Innovations, LLC, Patent Litigation (MDL No. 2581) assigned to Judge Garbis was closed on March 6, 2017.

On April 5, 2017, a new MDL case, In Re Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation (MDL 2775) was certified and transferred to the District of Maryland. The case is assigned to Chief Judge Blake and currently has over 200 pending cases.

### **Intercircuit Assignments**

Our district judges continued our district's longtime practice of assisting other courts by offering to serve on intercircuit assignments throughout the year. During this past fiscal year, Judge Garbis presided over hearings in the U.S. District Court for the Central District of California, coordinating the timing with other scheduled travel to save on travel expenses. In addition, Judge Garbis served as a visiting appellate Judge on the U.S. Court of Appeals for the Ninth Circuit, presiding on panels in sixteen cases, and will sit again with the Ninth Circuit in May and July of 2018.

District Judge J. Frederick Motz visited the U.S. District Court for the District of New Mexico in May 2017 to hear immigration cases. Judge Motz also sat with the Ninth Circuit in June 2017. Judge Titus sat with the U.S. Court of Appeals for the Eleventh Circuit, and anticipates accepting future intercircuit assignments.

### Civil Justice Reform Act Reporting

The District Court, which consistently performs well in managing its pending caseload, reported five pending motions for six months or longer on the March 31, 2017 report and **zero** pending motions on the September 30, 2017 report. The bench also reported 56 cases pending three years or more on the March 31, 2017 report and 48 cases pending three years or more on the September 30, 2017 report.

### 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-03-0457)

Judge Peter J. Messitte

Counsel: Seth Rosenthal and Julie Brain

(2) United States v. Bailey (CCB-16-0267)

Judge Catherine C. Blake

Counsel: Teresa Whalen and Paul Enzinna

(3) United States v. Dontray Johnson (CCB-16-0267)

Judge Catherine C. Blake

Counsel: Michael Lawlor

(4) United States v. Harrison (CCB-16-0597)

Judge Catherine C. Blake

Counsel: Gary Proctor and Jenifer Wicks

(5) United States v. Montana Barronette (CCB-16-0597)

Judge Catherine C. Blake

Counsel: Michael Lawlor and Alan Bussard

(6) United States v. Bazemore (CCB-16-0597)

Judge Catherine C. Blake

Counsel: Christopher Davis and Anthony Martin

(7) United States v. Smith (CCB-16-0235)

Judge Catherine C. Blake

William Brennan and Eugene Gorokhov

(8) United States v. McCellan (CCB-16-0235)  
Judge Catherine C. Blake  
Counsel: Joseph Murtha and Harry Trainor

(9) United States v. Carter (MJG-17-0667)  
Judge Marvin J. Garbis  
Counsel: Christopher Davis and Gerald Zerkin

(10) United States v. Flores-Ventura (JKB-18-0070)  
Judge James K. Bredar  
Counsel: Lawrence Woodward and Gerald Ruter

(11) United States v. Argueta-Bermudez (JKB-18-0070)  
Judge James K. Bredar  
Counsel: Edward Ungvarsky and Jenifer Wicks

(12) United States v. Lovos-Ayala (JKB-18-0070)  
Judge James K. Bredar  
Counsel: Joseph Flood and Eugene Gorokhov

(13) United States v. Campos-Lemus (JKB-18-0070)  
Judge James K. Bredar  
Counsel: Joseph Murtha and Manuel Retureta

#### Patent Pilot Project

The District Court continued its sixth year of participation in a ten-year national pilot program for studying patent cases. In fiscal year 2017, ten new patent cases were filed in the district, five of which (or approximately 50%) were either initially assigned or randomly reassigned to one of our three patent pilot judges: District Judge Marvin J. Garbis, Judge Roger W. Titus and District Judge George J. Hazel.

The following chart shows the District Court's patent case statistics for the year ending on September 30, 2017, as well as the statistics for the two prior fiscal years.

	<b>2015</b>	<b>2016</b>	<b>2017</b>
Patent Cases (NOS: 830)	22	17*	10*
Patent Cases Assigned or Reassigned to Patent Judges	13	9	5
Percent of Patent Cases with Patent Judges	59%	53%	50%

**\*Excluding multidistrict litigation assignments**

Magistrate Judge Statistics\*

Various federal arresting agencies issued 24,322 new misdemeanor and petty offense citations in fiscal year 2017 and 13,333 of these were referred to our court. The magistrate judges presided over 3,961 mandatory appearances and 9,372 collateral appearances. Dispositions were reached as to 30,410 citations. Of the fines issued by magistrate judges, \$2,395,097.68 has been collected.

**\*NOTE:** - *The above CVB totals are based on the date/time the reports are run. If any transmission, updates, payments received, payments moved, or corrections are done during the day (back dated), it will affect these totals. In addition, CVB spends a full day doing data entry of new violations; it is possible that many of these violations are from a past issue date as old as May or June, or possibly older. This may also affect the above referenced CVB totals.*

**United States Magistrate Judge Statistics Preliminary Felony Matters FY 2017**

	<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>	836	378	408	720	1,278	157
<b>Southern Division</b>	400	241	251	644	742	168
<b>TOTAL</b>	1,236	619	659	1,364	2,020	325

The magistrate judges play an integral role in management of the civil docket of the District Court. With the consent of the parties, the magistrate judges may conduct all proceedings, including jury trials in all types of civil cases. During the past year, consents were filed in 582 cases (372 of which were Social Security Administration appeals). Magistrate judges also handled 75 referrals for discovery motions, 72 referrals for post-judgment matters, and 713 referrals for other reasons (primarily settlement conferences).

One of the primary responsibilities of magistrate judges is holding settlement conferences. In fiscal year 2017, the magistrate judges conducted 699 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. The court frequently receives letters from counsel expressing gratitude for the assistance of magistrate judges in resolving seemingly intractable cases.

### Interpreter Statistics

<b>Language</b>	<b>Event(s)</b>	<b>Cost</b>
Albanian	21	\$13,615
Amharic	4	\$1,586
Arabic	2	\$552
Chinese	1	\$470
Fante	2	\$1,324
Foochow	1	\$725
French	2	\$892
Korean	1	\$458
Mandarin	3	\$938
Punjabi	7	\$3,519
Punjabi/Urdu	3	\$1,545
Romanian	3	\$1,320
Russian	1	\$226
Sign American	10	\$7,296
Spanish	349	\$106,073
Tagalog	1	\$511
Vietnamese	2	\$939
<b>TOTAL</b>	<b>413</b>	<b>\$141,989</b>

### Clerk's Office

#### Finance

The finance office managed the deposit fund of \$6,319,199.99 and registry funds with a balance of \$19,489,271.40 as of September 30, 2017. The District Court continued to maintain a non-appropriated attorney admissions fund and the balance on this account was \$370,342.32 as of the end of September 2017.

With the full implementation of JIFMS, Finance no longer disburses checks. Checks are now disbursed by treasury and electronically deposited into employees bank accounts. Finance spent time enhancing their Embark page with captivate training modules. Those modules include WebCATS, Cash Register, and Reconciliation. Finance staff also revisited old unclaimed files to locate victims. Additionally, the finance department moved locations. The move allowed finance to eliminate space that was not useable to them.

#### Human Resources

##### **Community Outreach**

The Human Resources department of the Clerk's Office coordinated and processed the paperwork for the annual Combined Federal Charities campaign, which provides staff the opportunity to donate to their favorite charities through payroll deduction. To help support the Combined Federal Charities Campaign even further, the Human Resources department held a sports memorabilia silent auction to raise funds for Our Daily Bread.

## **Staffing**

In fiscal year 2017, the District Court Clerk's Office was allotted 122.5 positions, including court reporters and pro se staff attorneys. This year's budget allowed the Clerk's Office to continue to fill additional vacancies and the Clerk's Office increased on-board staffing from 92 positions in fiscal year 2016 to 94 positions in fiscal year 2017. The Clerk's Office continued to examine job responsibilities and workflows prior to making any hiring decisions.

This fiscal year, the District Court welcomed Catherine Stavlas as the Chief Deputy Clerk of Operations; Jeanna Bruce and Alicia Holmes as Generalist/Case Administrators; Shante Smith, Johnathan Williams, Brandon Mottley and Jessi Hibbs as Courtroom Deputy Clerks; Court Reporters Marlene Martin-Kerr and Nadine Gazic; Theresa Derro, Case Administrator; Joanne Meighoo, Executive Assistant; and Pro-Se Staff Attorneys Lauren Demanovich and Roxanne Smalkin.

The District Court prides itself on promoting from within whenever there are qualified internal applicants. During the 2017 fiscal year, Maria Diaz was promoted from Generalist/Case Administrator to Courtroom Deputy Clerk; Nichole Hall was promoted from Courtroom Deputy Clerk to Courtroom Services Supervisor; Keisha Lynch was promoted from Procurement Specialist to Management Analyst; Katie Nader was promoted from Case Administrator to Acting Case Administration Supervisor; and Jessica Ionetz was promoted from Courtroom Deputy Clerk to Courtroom Services Supervisor.

During the 2017 fiscal year, the District Court bade farewell to several judges and staff members. In Baltimore, District Judge William M. Nickerson retired on September 30, 2017 and his career law clerk, Richard Ames-Ledbetter left alongside him. In Greenbelt, Judge Connelly retired on September 30, 2017 along with his Judicial Assistant, Karyl Doram-Mitchell, and his career law clerk, Natonne Kemp. Additionally, Barbara Fox, Judicial Assistant, and Courtroom Deputy Clerks Rita Sigona, Ella Peterson, and Pete Thompson also retired. In the Clerk's Office, Jarrett Perlow, Chief Deputy Clerk; Kenneth Sheain, Management Analyst; Nichole Hall, Courtroom Services Supervisor; Grace Morris, Courtroom Deputy Clerk; Alicia Holmes, Case Administrator; Nate Hoxie, Student Intern; and Kerry Regester, Generalist/Case Administrator, left the court in order to pursue other opportunities.

Additionally, 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 2017, human resources staff prepared exit paperwork and conducted individual exit interviews for 32 law clerks leaving the court. During the same period, entrance paperwork, form processing, orientations, and individual meetings were prepared and conducted for 32 incoming District Court law clerks and 10 Fourth Circuit law clerks.

## **Policies and Procedures**

In October 2016, the District of Maryland implemented the Facility Access Cards to combine and replace laminated employee ID cards and electronic access cards for all District Court employees. The FAC ID process is managed by the Human Resources department which

is responsible for card issuance, granting building access, replacement and deactivation for each Courthouse.

Throughout fiscal year 2017, the Human Resources department continued its collaborative cyclical review of the court's employee policies and procedures. Several of these policies were posted for employee comment before the proposed changes were approved and finalized.

## **Training**

This fiscal year, the Court was able to offer TSP training sessions to all interested employees on April 5, 2017 in Baltimore and April 6, 2017 in Greenbelt. Henry Broitman, Sr. Benefits/Retirement Advisor in the Administrative Office's Benefits Division, conducted two sessions per day that covered many aspects of TSP investing including how to enroll and change your contribution through the Judiciary Benefits Center, the difference between a regular and a Roth IRA, an overview of the different TSP funds and how to move your contributions between funds. According to the survey conducted by the HR department following the trainings, employees found the information they received very useful and would enjoy having other benefits training sessions in the future.

On June 13, 2017, Clerk's Office staff traveled to Savage Mill to participate in an all-day training event coordinated by the Human Resources department. Angela McGlynn, Senior U.S. Probation Officer and certified FJC trainer traveled across the country from the Western District of Washington to facilitate our full day of training. The morning session consisted of a lesson on time management and establishing a three-step approach. In the afternoon, staff were treated to a personality temperament workshop in which they identified their own personality color and learned about the dominant personality traits of all four personality colors. The training included breakfast and lunch.

In September, the U.S. Probation and Pretrial Services Office held a retirement counseling session at their Baltimore office. Having spots available, they offered them to the District and Bankruptcy Court Clerk's Office to share and five District Court employees were able to take advantage of the retirement session.

In addition to the office-wide training sessions, the human resources staff continued to take opportunities to stay current on HR and benefits issues that affect staff. During fiscal year 2017, David Ciambuschini, Legal Advisor and Tracee Jones, Human Resources Specialist, attended a three-day Human Resources Forum in Chicago, IL sponsored by the Bankruptcy Court of the Western District of Tennessee. In addition to the HR forum, Tina Stavrou, Human Resources Administrator, and Tracee Jones traveled to the Administrative Office in September for a three day workshop on HRMIS Leave tracking. HR staff has also participated in various WebEx programs on a variety of human resources topics and policies throughout the fiscal year.



## Information Technology

During fiscal year 2017, the District of Maryland continued to improve technology services within the courtrooms. The court technology specialist upgraded the courtroom audio to digital in eight courtrooms. In addition, the Greenbelt ceremonial courtroom was upgraded to a built-in system. The District court and Bankruptcy court entered into a joint venture of a shared training room. The court technology specialist designed and installed the training room system, which consists of multiple projectors and VTC capabilities.

During the reporting period, IT team members collaborated with operations team members to implement a new court website; deploying the national Drupal standard. In addition, a help desk team member was assigned to deploy the Historical Society sub-site off the main court website. The programmer/analyst was responsible for developing the new Courthouse Services Management System, CSMS. This system provides a more custom court calendar and will be further developed to include the management of court events which involve multiple departments. The District court joined the Bankruptcy court on their existing intranet page, Embark. The IT trainer, programmer/analyst, and help desk staff worked together to develop the base site and train members of each department to update their various sections.

The District Court IT help desk continued to provide day-to-day support to meet the mission of the court, implemented new equipment and supported multiple user relocations due to construction projects. The IT help desk and NSS team were instrumental in providing support for the Baltimore Courthouse electrical upgrade providing coverage after-hours and early morning to ensure critical systems were powered down and restored in a timely manner. The IT help desk with support from the court technology specialist provided courtroom audio and video to overflow locations to support several high-profile court hearings. The NSS team transitioned the District and Bankruptcy courts to the National Logging Service, LAN Health Monitoring Service, and National Firewall Service. The IT team continues to provide support for investitures, various ceremonies, and FBA events.

## Jury

### **Petit Jury**

Trial jurors for our district are typically summoned to serve for a one-month or one trial term of service. During fiscal year 2017, 12,000 jurors were summoned for jury service. A total of 2,425 trial jurors reported to the court for participation in 57 jury trials. There were 26 jury trials held in criminal cases, and 31 in civil cases. Below is a comparison of the last three years.

<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
3,491 jurors reported 80 jury trials (47 cr/33 cv) 11,935 jurors summoned	3,408 jurors reported 73 jury trials (45 cr/28 cv) 10,849 jurors summoned	2,425 jurors reported 57 jury trials (26 cr/31 cv) 12,000 jurors summoned

## Grand Jury

The District of Maryland has five active grand juries; two convening in Greenbelt and three sitting in Baltimore. During the fiscal year, 4,196 grand jurors spent 1,209 hours in session. The grand juries convened for a total of 206 days. Below is a comparison of the last three years.

<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
3,789 grand jurors convened on 181 days, spending 989 hours in session	4,003 grand jurors convened on 196 days, spending 1,123 hours in session	4,196 grand jurors convened on 206 days, spending 1,209 hours in session

Three new grand juries were selected during FY 2017, one in Greenbelt and two in Baltimore. The three departing grand juries were given an appreciation luncheon and certificates of appreciation.

### Naturalizations Services

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. Thirty-one ceremonies were held in FY 2017. In Baltimore, there were 1,057 applicants for citizenship. Greenbelt received 419 applicants. All were sworn in as new citizens, totaling 1,476 citizens naturalized for the year, below is a three-year comparison.

<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
1,323 citizens naturalized 26 ceremonies	1,405 citizens naturalized 31 ceremonies	1,476 citizens naturalized 31 ceremonies

On March 9, 2017, Magistrate Judge Beth P. Gesner presided over a special ceremony in the Baltimore Courthouse. The fourth grade class of Severn School participated. The students researched the countries represented and their own heritage and delivered speeches on the importance of the day.

Students from Gilman School visited our court to participate in the naturalization ceremony on March 23, 2017. Students from Garrison Forest School participated on May 4, 2017. Judge Gallagher presided over both ceremonies.

The League of Women Voters of Maryland and the Daughters of the American Revolution continue to participate with a post ceremony reception and assisting new citizens with registering to vote.

## Space & Facilities

In fiscal year 2017, Space and Facilities committed to several project in the Greenbelt Courthouse including an upgrade and departmental reconfiguration of the 2nd floor Clerk's Office. The reconfiguration will provide additional workspace and offices for visiting managers from Baltimore. Additional funding was also provided for cyclical maintenance and kitchen renovations of two district judge chambers.

In the Baltimore Courthouse, the court is in the pre-project stages for a considerable list of projects all funded in fiscal year 2016.

## **BANKRUPTCY COURT**

The Bankruptcy Court is staffed by seven active judges and three recalled judges as of the end of Fiscal Year 2017. Judge Simpson was appointed Bankruptcy Judge on September 7, 2016. Judge Schneider retired on May 9, 2017, and was promptly recalled on May 10, 2017 and continues to serve on recalled status. Judge Harner was appointed Bankruptcy Judge on June 19, 2017.

The Honorable S. Martin Teel, United States Bankruptcy Judge for the District of Columbia, was again designated to serve as a bankruptcy judge in the District of Maryland, and Judge Catliota (through August 2017) and Judge Lipp (beginning September 2017) were also cross-designated to sit in the District of Columbia to provide coverage when Bankruptcy Judge Teel was unavailable to adjudicate matters.

On January 11, 2017, Clerk Mark Neal, Director of Operations Betty Giddings, and Acting Assistant Division Manager Kelly Grant participated in Chapter 7 trustee training organized and hosted by the Baltimore Office of the United States Trustee. Mr. Neal, Ms. Giddings, and Ms. Grant made presentations on trustee filing procedures, certificates of non-compliance, dealing with unrepresented parties, trustee applications for compensation, and the deposit of unclaimed funds.

Throughout fiscal year 2017, the judges of the court as well as the Clerk actively participated in events sponsored by the Bankruptcy Bar Association for the District of Maryland (BBA). The judges and the Clerk participated at the BBA's annual Spring Break continuing legal education seminar held in Annapolis in May. In September, Chief Judge Alquist and the Clerk addressed the BBA's Baltimore chapter about the state of the court. Judge Lipp, Judge Simpson and the Clerk made a similar presentation in September to the BBA's Greenbelt chapter. In June, the Clerk attended the Maryland State Bar Association Consumer Bankruptcy Section's Spring Banquet where he provided bar members an update on Chapter 13 procedures.

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 a number of 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.

## Bankruptcy Case Statistics

Bankruptcy case filings in the District continued to be strong in fiscal year 2017, with 17,477 new bankruptcy cases and 509 new adversary proceedings filed. That number consists of 11,352 Chapter 7 liquidation filings; 5,492 Chapter 13 individual reorganization filings; 106 Chapter 11 business individual complex reorganization filings; and 3 Chapter 12 family farmer filings. Nevertheless, like most bankruptcy courts nationwide, the District experienced a decline in total filings over fiscal year 2016. The overall decrease in new case filings in the District from fiscal year 2016 to 2017 was just 3%, and there are some indications that the six year downward trend in new filings is nearly over.

One of the most significant burdens on the court and Clerk's Office is the extremely high number of bankruptcy cases filed without the assistance of counsel. For the year ending September 30, 2017, 21% of all bankruptcy cases (or 3,568 new cases) were filed in the District pro se. 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 three consecutive years. The District ranks as one of the top pro se filing districts nationwide, and as of September 30, 2017, the District's pro se bankruptcy case filing rate was the highest in the Circuit and fourth highest among all districts in the country.

On June 20, 2017, the court entered its one millionth order using the court's eOrders System. Since the eOrders System became operational in November 2003, the court has entered an average of more than 6,000 orders per month or 200 orders per day.

The court also manages an enormous number of bankruptcy document filings. During the one year period ending September 30, 2017, over 265,000 documents were filed with the court. While many of these filings were made electronically, a significant portion were made by pro se parties and had to be scanned and docketed manually. For chambers staff, this translates into more than 3,100 documents filed each month per active judge.

## Bankruptcy Clerk's Office

The court held its sixth annual Community Service Day on May 5, 2017. Numerous staff members volunteered at the following: Manna Food Center, Arbor Terrace Senior Living, Rawlings Conservatory & Botanical Gardens and the Ronald McDonald House.

The Court's Strategic Training Committee provided staff members with numerous opportunities to enhance professional development throughout the year. For example, the committee offered training courses such as: Thrift Savings Plan through the Federal Retirement Thrift Savings Board, and Is It Legal Advice through the Federal Judicial Center (FJC). In an effort to encourage leadership development the committee introduced the "By Us, For Us" initiative. Through this initiative, staff members gain experience developing and facilitating training. This year staff contributed to training on Adobe Acrobat and processing appeals. The Strategic Training Committee also continued to provide information and plan activities related to matters such as diversity awareness and, towards that end, arranged for the Employee Assistance

Program to present a program to all staff on Dealing with Differences. Other training opportunities provided by the committee included information sessions on certificates of service and Chapter 13 plans.

Staff members were also able to avail themselves of the training and professional development opportunities at the National Conference of Bankruptcy Clerks' annual conference held in Denver, CO in July 2017. In addition, several court personnel attended the Third and Fourth Circuits IT conference in Washington, DC in August 2017. Also, in March 2017 the Clerk and Chief Deputy Clerk attended the Fourth, Fifth, and DC Circuits Clerk's Conference in New Orleans, LA. The Chief Deputy Clerk also attended orientation for new court unit executives (CUEs) and deputy court unit executives (DCUEs) at the Administrative Office of the U.S. Courts (AO) in Washington, DC in March 2017. In September 2017, the Clerk and Chief Deputy Clerk, along with the Director of Information Technology, attended the CUE/DCUE training in Baltimore sponsored by the AO. In September 2017, the Director of Administrative Services and Administrative Analyst attended a three-day training session at the AO on the Human Resources Management Information System's (HRMIS) Leave Tracking.

In June 2017, the Bankruptcy Court recognized the hard work and dedication of its staff members at its Annual Employee Recognition Ceremony held in Baltimore, Maryland. At the event, employees were presented with various awards, including length of service, team of the year, and employee of the year. Special recognition awards were presented to staff that performed exceptional service to chambers and the public.

A reorganization of the Clerk's Office 8<sup>th</sup> floor operations space in Baltimore continued in fiscal year 2017. In order to minimize costs while addressing the specific needs of the Clerk's Office, the reorganization focused on redesigning parts of the space to maximize efficiency and work flow, along with procurement of new furnishings for the area, replacing the current aging systems furniture in place and improving collaboration, sound attenuation, and lighting.

For the Bankruptcy Court's Executive Management Team, fiscal year 2017 was a year of stability and fine tuning. The Management Team's restructuring was completed with the appointment of Betty Giddings, previously Division Manager in Greenbelt, to the new position of Director of Operations, overseeing both the Baltimore and Greenbelt Divisions. Case Administrator Kelly Grant continued to serve as the Acting Assistant Division Manager for Baltimore. Administrative Manager Diane Hydovitz was promoted to the new Director of Administrative Services position, overseeing administrative functions such as procurement, human resources and facilities, and completing the complement of director level positions on the Court's Executive Management Team.

The Clerk's Office also saw staffing changes with the departure of several Case Administrators, the promotion of Margaret Krauss and Calton Brown from Case Administrator I to Case Administrator II, and the hiring of Asia Harris and Kizzy Fraser to fill Case Administrator I vacancies in Greenbelt and Baltimore, respectively.

The IT team completed several lengthy projects to upgrade the court's core networking equipment, including all server farms, storage and backup appliances, core switches and virtual desktop clients. IT staff worked many nights and weekends to complete this involved project

with minimal impact on ongoing court operations. The improved network infrastructure, in addition to the immediate benefits of improved systems availability and response time, will permit the IT department to implement new technologies and expand with future innovations.

The first phase to upgrade and redesign the court's public website was completed in Fiscal Year 2017. In Phase 1, site navigation and the website's front page were improved and modernized. Phases 2 and 3, which involve changes to the site's organization and substantive content, will be performed over the next several years. The IT department also upgraded the court's intranet platform to provide additional features and functionalities, such as embedded training videos and employee engagement tools.

The IT staff started a major effort to comply with the AO's new IT Security Scorecard annual requirement. The scorecard is an instrument to standardize IT Security across the entire Judiciary. This new self-assessment requirement necessitated a major preparation, assessment, and remediation effort. The scorecard consists of multiple categories with numerous subcategories related to IT security, and is accompanied by a detailed compliance and verification checklist. The court was determined to have an "expanding and evolving" IT Security implementation maturity.

IT staff actively participated in the July 2017 NCBC conference in Denver, CO. IT team members showcased a new interactive statistical dashboard during InfoShare sessions. Since then, the interactive statistical dashboard has been adopted by a number of other bankruptcy courts.

In a collaborative effort with the Administrative Office for U.S. Courts (AO) and the District Court, IT staff participated in two new national projects. The first, Local Area Network Health Monitoring Service (LHMS), provides remote monitoring of the court's Local Area Network (LAN) infrastructure using the same tools and processes that are already employed in monitoring Judiciary's Wide Area Network – the DCN. Members of the Network Shared Services (NSS) team will receive immediate notification of issues found on the LAN elements, such as core switches, access layer switches, and environmental sensors. Additionally, one IT staff member assisted the AO with LHMS pilot implementations throughout the Judiciary. The second, the National Logging Service, enables members of the NSS team to collect, retain, search, alert, report and analyze logs in real-time to identify network events and security threats. Logs are stored in a centralized repository, managed by the AO.

In collaboration with the District Court, the IT staff continued its leadership role in designing and deploying attorney WiFi services in both courthouses. After the technical and budgetary proposal was completed and approved in fiscal year 2016, deployment was completed in Greenbelt in fiscal year 2017. Deployment in Baltimore will follow.

The IT staff significantly enhanced the performance, response time, and reliability of the court's virtual desktops. This effort resulted in faster web browsing, smoother image rendering, and it has improved the overall end user experience. Infrastructure has been installed to expand virtual desktop infrastructure (VDI) to other court units. VDI provides greater support for remote access, improved availability and maintainability, enhanced security and information

assurance, and long term strategic cost savings.

As noted, the court continued its long-standing tradition of sharing administrative services where doing so will increase efficiencies and reduce costs for the judiciary. Toward that end, the Bankruptcy Court continued sharing agreements with the District Court for network support and shared server rooms as well as with the Probation and Pretrial Service Office for procurement services. The Bankruptcy Court also collaborated with a number of other bankruptcy courts extending services for support activities and various projects. Such activities included providing CM/ECF server and database support to the Bankruptcy Court for the Middle District of Pennsylvania, and supporting numerous custom CM/ECF modules deployed in the judiciary. Finally, a member of the Clerk's Office IT staff continued a work share agreement with the AO assisting with programming and analysis for the CM/ECF Next Gen.

CM/ECF experienced significant degradation in the efilings service over several months in July and August of 2017 due to data mining activities by several third-party services, and significant personnel resources were utilized to address the ongoing slowness issues. First, a custom program was created to monitor for excessive connections from a single web source and prevent these connections from overwhelming the system. Second, the IT department worked with cloud solution providers to identify the source for some of these connections and to reduce their impact on our systems. Third, the court piloted a new technology, known as a Web Application Firewall (WAF), to allow the court to programmatically reduce the impact on its systems based on a code signature analysis. Based on the successes of these significant efforts, the degradation the court experienced was largely resolved by the end of August 2017.

Sadly, on February 19, 2017, Case Administrator Barrington O. Balthrop, III (“Barry”) passed away suddenly after more than 13 years of outstanding and dedicated service to the Bankruptcy Court. Mr. Balthrop was a devoted public servant, a wonderful coworker, and friend to many at the court.

## **PROBATION AND PRETRIAL SERVICES**

Probation and pretrial services functions in the District of Maryland are consolidated under the leadership of William F. Henry. The office is organized into three departments: (i) the Pretrial Services Department, which has 14 employees; (ii) the Presentence Investigation Department, which has 18 employees; and (iii) the Supervision Department, which has 76 employees. Additionally, there are 39 employees that directly support the work of the officers in all departments. In FY 17, the office supervised approximately 3,584 individuals and conducted approximately 1,478 pretrial and presentence investigations.

Pretrial Investigators prepare reports for the court that thoroughly, yet succinctly, describe a defendant's background, identify risk factors, and recommend appropriate release conditions, or detention if warranted. Our detention rate continues to be well below the national average. Pretrial supervision officers enforce court ordered conditions, support positive change, and provide access to services that will help them be successful on supervision and beyond. The Presentence Investigation Department produces reports and responds 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, and with the sentencing factors enumerated under 18 U.S.C. § 3553(a). In FY 17, the Presentence Investigation Department experienced a 17% increase in felony guideline investigations completed. Throughout the year, the Presentence Department focused on increasing consistency and uniformity in writing presentence reports and conducting field work. The revised standard and special conditions of supervised release and probation approved by the Judicial Conference were implemented district-wide.

All officers in the Supervision Department participated in Effective Practices in Community Supervision (EPICS) training. This program focuses on officers developing effective relationships with offenders under their supervision and using core correctional practices. A Reentry and Employment Workgroup was formed to further enhance our collaboration with other agencies that provide assistance to offenders. This group is comprised of two deputy chiefs, one supervisor, and eleven officers. The workgroup developed a resource directory to assist offenders locate services in the community. The directory includes items such as job training, housing and GED preparation and testing. Two members of the workgroup attended a Reentry Resource Fair at FCI Cumberland during which they dialogued with case managers and inmates. Post-conviction supervision officers began using the Non-Compliance Module in the national database to assist officers with tracking and responding timely to non-compliance.

Officers participated in multiple training programs aimed at further developing and expanding their knowledge and skills. Much of the training attended by officers focused on substance abuse and mental health, including the Tuerk Conference on Substance Abuse, the Harford County Drug Symposium, an in house training on Mental Health and Crisis Intervention; and a National Sex Offender Conference.

Other significant conferences and training programs included the United States Sentencing Commission Sentencing Guidelines Conference, Computer Monitoring Training, Location Monitoring Training, and Third Part Risk training. All officers participated in mandatory safety training, and all staff participated in IT Security Awareness Training. All staff were afforded the opportunity to attend a Retirement Preparation Seminar which included a financial planning element. Those attending the Annual Employee Recognition Awards Program participated in a program featuring a renowned motivational speaker whose presentation was entitled, "Being all in and Getting Others to Join You."



## ATTORNEY ADMISSIONS

As of the end of fiscal year 2017, the District Court bar had 12,112 active members. The court holds monthly admissions ceremonies in both courthouses and averages 34 new admitted bar members each month. On April 1, 2017, the court held a special admission ceremony as part of the Federal Bar Association's Introduction to Federal Practice in the Greenbelt Courthouse. Below is a comparison of the last three years.

	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>New Admissions</b>	489	449	408
<b>Renewed Members</b>	1364	1409	1331
<b>Reactivated and Reinstatement Members</b>	226	182	173
<b>Admissions Pro Hac Vice</b>	856	1022	985

## COOP AND EMERGENCY PREPAREDNESS

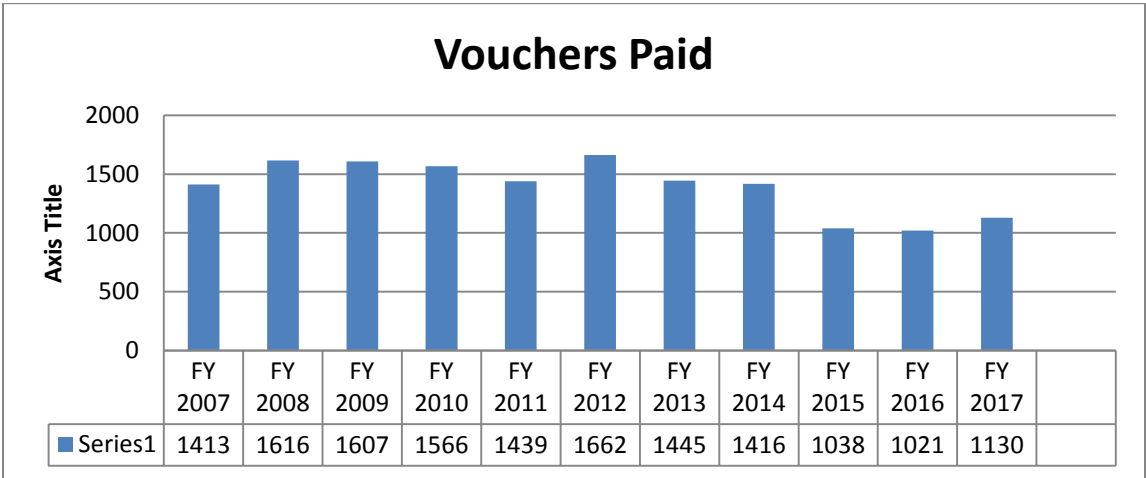
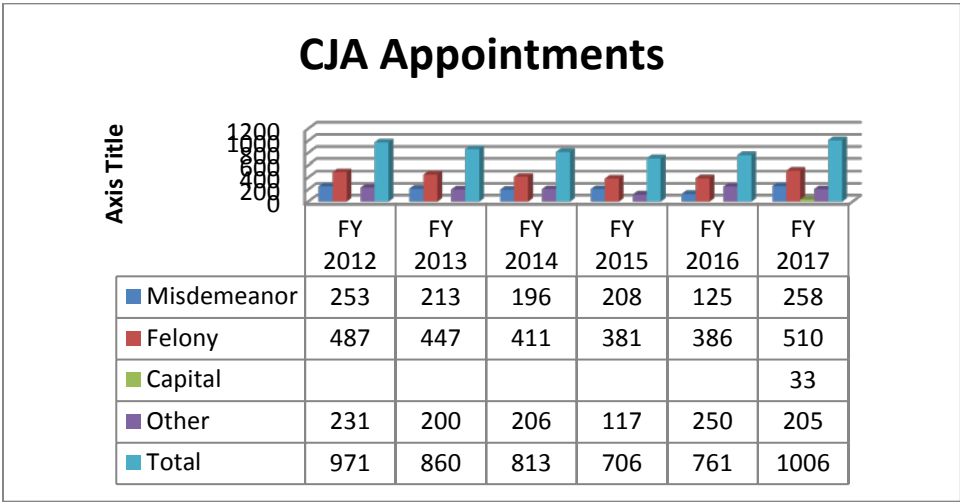
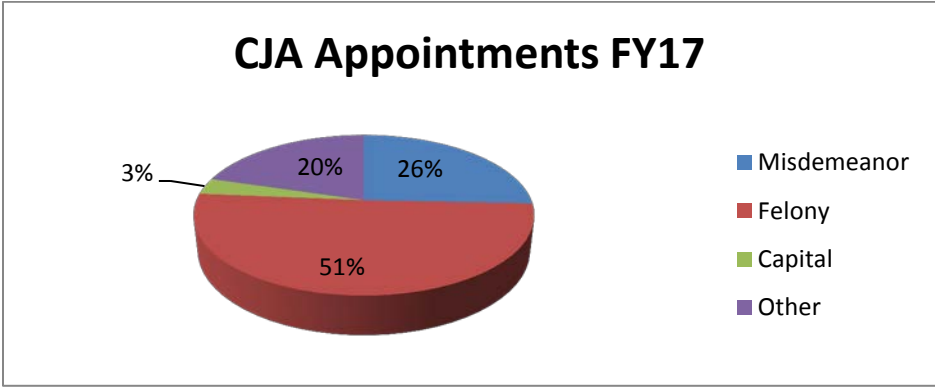
The district has become involved in the city and state emergency preparedness plans because the Northern Division courthouse is in a major downtown area. In the event of an attack requiring the dispensing of medicine, the federal building across the street from the Baltimore Courthouse will become a 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 Pretrial Services to ensure that attorneys are appointed to represent defendants at the earliest stage of criminal proceedings. Her office coordinates appointments of counsel and maintains conflict lists in multiple defendant cases.

Ms. Essex is assisted by Kiara Snipes, CJA Technician, whose support is invaluable. Ms. Snipes 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, Ms. Essex prepares a memorandum or letter as appropriate to support the claim for the presiding judicial officer.

In fiscal year 2017, Ms. Essex's office made 1006 CJA appointments, representing an increase as compared to fiscal year 2016. 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 as compared to prior fiscal years.



Ms. Essex 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 \$2,500.00, 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. Ms. Essex maintains a directory of experts and often attempts to negotiate a reduction in the requested hourly rate.

Ms. Essex attends the court's CJA Committee meetings. She reviews and makes recommendations on all applications for the felony panel to the CJA Committee. She also prepares the CJA Committee meeting agenda and minutes.

### **DEBTOR ASSISTANCE PROJECT**

The Debtor Assistance Project (DAP), a collaborative effort between the court and its partner agencies, continued in fiscal year 2017 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, which is overseen and managed by Judge Gordon, provides the services and expertise of volunteer bankruptcy attorneys to these debtors or potential debtors and operates in the Baltimore and Greenbelt Courthouses, as well as on the Eastern Shore in Kent and Talbot Counties. Due primarily to scheduling and other administrative support from Maryland Volunteer Lawyers Services and Mid-Shore Pro Bono, two of the court's DAP partners, the DAP and its volunteers were able to provide 261 DAP consultations in fiscal year 2017.

### **PRO SE STAFF ATTORNEYS**

For the 17th consecutive year, cases filed by self-represented prisoner and non-prisoner litigants accounted for roughly one-third of all civil filings in this district.

In 2017, cases filed by self-represented prisoner litigants accounted for 22.5% of all civil filings in this district, a 9% decrease from 2016.<sup>1</sup> The spike in prisoner filings in 2016, however, represented an anomaly in response to the *Johnson*<sup>2</sup> and *Welch*<sup>3</sup> decisions. When adjusted to exclude filings under *Johnson/Welch*, this year's figures are more consistent with case filings prior to 2016.<sup>4</sup> Civil rights cases comprised 60% of all prisoner filings, and habeas cases comprised 40%, again reflecting numbers in line with previous years.

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<sup>1</sup> These included 502 civil rights complaints, 125 motions to vacate, 110 habeas petitions, 94 "other" habeas requests, and 5 cases involving deportation matters, a total of 836 cases.

<sup>2</sup> *Johnson v. United States*, \_\_ U.S. \_\_, 135 S.Ct. 2551 (2015) (holding imposition of an increased sentence under the residual clause of the ACCA violates due process).

<sup>3</sup> *Welch v. United States*, \_\_ U.S. \_\_, 136 S.Ct. 1257 (2016) (holding *Johnson* announced a substantive rule of law that has retroactive effect on collateral review).

<sup>4</sup> Motions to vacate comprised 15% of prisoner filings, slightly higher than, but in line with, pre-*Johnson/Welch* numbers. Of the 125 motions to vacate filed in 2017, 11 cases (9%) were predicated on *Johnson* or *Welch*.

The court continues to see a steady 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. The staff attorneys assist Clerk's Office personnel in identifying and interpreting these motions and requests, while the staff attorneys' administrative assistant responds to the bulk of other correspondence generated by inquiries from state and federal prisoners.

Actions regarding allegations of assault at the hands of correctional personnel remain steady. Litigation directed at the state prison health care system, including mental health services, reflects the often-urgent needs of a population that previously lacked such care, and is further fueled by the aging prison population. Filings alleging gang-related violence in the state prisons are high; requests for transfers and concerns for personal safety in light of gang violence continue to generate many civil rights challenges and frequently require emergency show cause responses. The court has seen an uptick in failure-to-protect and medical cases arising from conditions at Eastern Correctional Institution, a prison that had seen little litigation activity for several years. Habeas challenges for those committed at Perkins Hospital Center, as well as access-to-courts and library deficiency claims, are on the rise. Appointment of counsel is needed with greater frequency as it becomes increasingly difficult to resolve these cases on summary judgment. Further, fewer habeas corpus cases are dismissed in the early stages on procedural grounds. Resolving substantive habeas issues on the merits is time-consuming, and appointment of counsel has occurred with greater frequency in these cases as well.<sup>5</sup>

Cases filed by self-represented non-prisoners comprised an additional 11% of the civil docket.<sup>6</sup> Increasingly, self-represented non-prisoner litigants seek removal of state court foreclosure actions. While portions of the actions may be remanded to state court, these actions often contain federal causes of action under the Truth in Lending Act ("TILA"), 15 U.S.C. §§ 1601 et seq., the Real Estate Settlement Procedures Act ("RESPA"), 12 U.S.C. 2601 et seq., and the Fair Debt Collections Practices Act, ("FDCPA"), 15 U.S.C. § 1692 et seq. Early dismissal is often inappropriate due to the federal claims raised. Further, several non-prisoner litigants have engaged in vexatious filings which, although dismissed on initial review, are time-consuming and have required pursuit of pre-filing instructions. The staff attorneys remain involved in cases where litigants have been enjoined from filing new civil actions by reviewing submissions sent and preparing return letters addressed to the litigant.

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<sup>5</sup> There has been an increase in the number of prisoner plaintiffs filing requests for discovery pending summary judgment under Rule 56(d) which must be resolved before the merits of the claims may be resolved. *See Putney v. Likin*, Slip. Op. No. 14-6882 (4th Cir. July 14, 2016) (directing this court to address plaintiff's request for discovery pending summary judgment although not properly presented under Rule 56(d)).

<sup>6</sup> In 2017, non-prisoner pro se litigants filed 417 cases.

## 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. Although not the ideal solution to our lack of a federal pretrial detention facility, the procurement of a secure facility dedicated to federal prisoners was a significant achievement for the district. Judge Bennett, as Chairman of the District Court’s Criminal Justice Act Committee, continued to work with state officials in finding necessary solutions at the facility. The court has cooperated with the Marshal’s Service, the Office of the Detention Trustee, and the State of Maryland in setting up the facility. Other contract facilities are utilized by the Marshal’s Service for detention of other prisoners – particularly, those in the Southern Division – some of which are a six-hour roundtrip drive from the district’s two courthouses. The need for CJA panel attorneys to travel to these outlying facilities significantly increases the cost of representations.

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. As long as the Marshals Service is forced to rely on contract beds from local detention facilities, it will continue to be difficult to provide consistent standards.

## CONCLUSION

The bench wishes to thank our visiting judges: Judge Mark A. Barnett of the United States Court of International Trade (*G. Cefalu & Bro, Inc., v. Brahman, Inc. et al, Rice, et al. v. Rice, and Argueta Herrera v. MobileRev LLC et al*); Judge David A. Faber of the Southern District of West Virginia, (*Bond v. United States*); Judge Raymond A. Jackson of the Eastern District of Virginia (*United States v. Sealed*); Judge Liam O’Grady of the Eastern District of Virginia (*Grimm v. First Advantage Background Services Corp et al*); and Judge Frederick P. Stamp of the Northern District of West Virginia (*Macsherry v. Sparrows Point, LLC et al and Barber v. Montgomery County Government 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, for their continued hard work and dedication this year.