REPORT OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

September 19, 2000

The Judicial Conference of the United States convened in Washington, D.C., on September 19, 2000, pursuant to the call of the Chief Justice of the United States issued under 28 U.S.C. § 331. The Chief Justice presided, and the following members of the Conference were present:

First Circuit:

Chief Judge Juan R. Torruella
Judge Joseph A. DiClerico, Jr.,
District of New Hampshire

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Second Circuit:

Chief Judge Ralph K. Winter, Jr.
Judge Charles P. Sifton,
Eastern District of New York

Third Circuit:

Chief Judge Edward R. Becker
Chief Judge Donald E. Ziegler,
Western District of Pennsylvania

Fourth Circuit:

Chief Judge J. Harvie Wilkinson III
Chief Judge Charles H. Haden II,
Southern District of West Virginia

Fifth Circuit:

Chief Judge Carolyn Dineen King
Judge Hayden W. Head, Jr.,
Southern District of Texas

Sixth Circuit:

Chief Judge Boyce F. Martin, Jr.
Judge Thomas A. Wiseman, Jr.,
Middle District of Tennessee

Seventh Circuit:

Chief Judge Joel M. Flaum
Judge Robert L. Miller, Jr.,
Northern District of Indiana

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Eighth Circuit:

Chief Judge Roger L. Wollman
Judge James M. Rosenbaum,
District of Minnesota

Ninth Circuit:

Chief Judge Procter Hug, Jr.
Judge Judith N. Keep,
Southern District of California

Tenth Circuit:

Chief Judge Stephanie K. Seymour
Judge Ralph G. Thompson,
Western District of Oklahoma

Eleventh Circuit:

Chief Judge R. Lanier Anderson III
Chief Judge Charles R. Butler, Jr.,
Southern District of Alabama

District of Columbia Circuit:

Chief Judge Harry T. Edwards
Judge Thomas F. Hogan,[1]
District of Columbia

Federal Circuit:

Chief Judge Haldane Robert Mayer

Court of International Trade:

Chief Judge Gregory W. Carman

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Circuit Judges W. Eugene Davis, Dennis G. Jacobs, Paul V. Niemeyer, Jane R. Roth, Anthony J. Scirica, and Walter K. Stapleton, and District Judges Carol Bagley Amon, Lourdes G. Baird, Robin J. Cauthron, John G. Heyburn II, D. Brock Hornby, Michael J. Melloy, Edwin L. Nelson, and Harvey E. Schlesinger attended the Conference session. Jan Horbaly of the Federal Circuit represented the Circuit Executives.

Leonidas Ralph Mecham, Director of the Administrative Office of the United States Courts, attended the session of the Conference, as did Clarence A. Lee, Jr., Associate Director for Management and Operations; William R. Burchill, Jr., Associate Director and General Counsel; Karen K. Siegel, Assistant Director, Judicial Conference Executive Secretariat; Michael W. Blommer, Assistant Director, Legislative Affairs; David Sellers, Assistant Director, Public Affairs; and Wendy Jennis, Deputy Assistant Director, Judicial Conference Executive Secretariat. Judge Fern Smith and Russell Wheeler, Director and Deputy Director of the Federal Judicial Center, also attended the session of the Conference, as did

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[1]Designated by the Chief Justice.

Sally Rider, Administrative Assistant to the Chief Justice, and judicial fellows L. Karl Branting, Jill E. Evans, Barry T. Ryan, and Jennifer A. Segal.

Senators Orrin Hatch and Patrick Leahy and Representative Howard Coble spoke on matters pending in Congress of interest to the Conference. Attorney General Janet Reno and Solicitor General Seth P. Waxman addressed the Conference on matters of mutual interest to the judiciary and the Department of Justice.

REPORTS

Mr. Mecham reported to the Conference on the judicial business of the courts and on matters relating to the Administrative Office. Judge Smith spoke to the Conference about Federal Judicial Center programs, and Judge Diana E. Murphy, Chair of the United States Sentencing Commission, reported on Sentencing Commission activities.

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EXECUTIVE COMMITTEE

RESOLUTIONS

The Judicial Conference approved a recommendation of the Executive Committee to adopt the following resolution in recognition of the substantial contributions made by Judicial Conference committee chairs who complete their terms of service in 2000:

The Judicial Conference of the United States recognizes with appreciation, respect, and admiration the following judicial officers:

HONORABLE RALPH K. WINTER, JR.
Executive Committee

HONORABLE EDWARD B. DAVIS
Committee on the Administrative Office

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HONORABLE EDWARD W. NOTTINGHAM
Committee on Automation and Technology

HONORABLE D. BROCK HORNBY
Committee on Court Administration and Case Management

HONORABLE STANLEY S. HARRIS
Committee on Intercircuit Assignments

HONORABLE ADRIAN G. DUPLANTIER
Advisory Committee on the Rules of Bankruptcy Procedure

HONORABLE PAUL V. NIEMEYER
Advisory Committee on the Rules of Civil Procedure

Appointed as committee chairs by Chief Justice William H. Rehnquist, these outstanding jurists have played a vital role in the administration of the federal court system. These judges served with distinction as leaders of their Judicial Conference committees while, at the same time, continuing to perform their duties as judges in their own courts. They have set a standard of skilled leadership and earned our deep respect and sincere gratitude for their innumerable contributions. We acknowledge with appreciation their commitment and dedicated service to the Judicial Conference and to the entire federal judiciary.

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The Executive Committee approved on behalf of the Conference the following resolution in appreciation of Chief Judge Ralph K. Winter's outstanding service as Chair of the Executive Committee:

The Judicial Conference of the United States recognizes with appreciation, respect, and admiration the Honorable

RALPH K. WINTER, JR.

Chief Judge of the United States Court of Appeals for the Second Circuit and member of this Conference, for his outstanding, insightful and politically astute leadership as Chair of the

Executive Committee since October 1, 1999. At the time Judge Winter joined the Conference in July 1997, and the Executive Committee in April 1998, he had already provided years of invaluable service to the Conference as Chair of the Advisory Committee on the Federal Rules of Evidence and as a member of the Civil Rules Committee. Although his tenure as Chair of the Executive Committee was relatively brief, he led that Committee through many complex issues with clarity of purpose and with distinction. One of the most significant issues he addressed concerned a request from a news organization for the release of financial disclosure reports of Article III and magistrate judges so that the requester could post those reports on the Internet. In coordination with the Committees on Financial Disclosure, Codes of Conduct, and Security and Facilities, Judge Winter ably led the Executive Committee in seeking a course for the Conference that would accommodate public access to information regarding the financial interests of judicial officers, in full compliance with the Ethics in Government Act of 1978, and at the same time ensure the safety and security of judges and their families.

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Judge Winter's confident leadership, firm resolve, and spirit of openness fostered understanding and mutual respect for differing opinions, enabling a satisfactory conclusion to this difficult issue and numerous others before the Executive Committee in the past year. All the while, Judge Winter displayed his characteristic warmth and keen sense of humor.

As he leaves the chair of the Executive Committee and membership on the Judicial Conference, we offer to Judge Winter our heartfelt gratitude and express our sincere hope that our paths will continue to cross frequently. With best wishes to him and his wife, Katherine, for happy, healthy years ahead.

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On behalf of the Conference, the Executive Committee approved the following resolution in appreciation of the support and service of the Honorable Henry J. Hyde:

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The Judicial Conference of the United States, with great appreciation, respect, and admiration, recognizes the Honorable

HENRY J. HYDE

Member of Congress representing the Sixth District of Illinois since 1974, Chairman of the Committee on the Judiciary of the United States House of Representatives since 1994, and long-time friend and steadfast supporter of the federal judiciary.

Henry Hyde began his career in service to his country in 1942, when immediately after graduation from St. George High School in Evanston, Illinois, he enlisted in the United States Navy. A combat veteran of World War II, he retired as a Commander in the United States Naval Reserve in 1968. Graduating from Georgetown University in 1947, Mr. Hyde went on to attend Loyola University School of Law, receiving a *juris doctor* degree in 1949. After nearly two decades as a trial attorney in Chicago, and eight years as a state representative in the Illinois General Assembly, including service as its Majority Leader, the citizens of the Sixth District elected him as their representative in the United States Congress.

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After twenty-six years of distinguished service in the House of Representatives, Henry Hyde has become a respected leader of national prominence. He is widely admired for his honesty and sound judgment, unfailingly displayed with humor and civility.

The Judicial Conference particularly recognizes Chairman Hyde's long and distinguished service on the Committee on the Judiciary. His record of accomplishments there bears witness to an unwavering respect for the Constitution of the United States and an abiding belief in the rule of law. Henry Hyde is sensitive to the position of the Judicial Conference on legislation affecting the judiciary, and on such matters, has been a source of wise counsel to judges. He recognizes the independence of the judicial branch, has vigorously supported improvements in the administration of justice, and has worked to provide appropriate and equitable compensation and benefits to judges and their staffs.

The legacy of the Honorable Henry Hyde, as a Member of Congress, as a leader of the Committee on the Judiciary, and as a valued friend to the federal judiciary will endure for many years to come.

JUDICIAL EDUCATION REFORM ACT

The Judicial Education Reform Act of 2000 (S. 2990, 106th Congress) would prohibit federal judges from accepting "anything of value in connection with a seminar" and give the Board of the Federal Judicial Center the power to authorize government funding for judges to attend only those "seminars that are conducted in a manner so as to maintain the public's confidence in an unbiased and fair-minded judiciary." The bill was introduced after a private organization issued a report critical of judges attending private educational seminars at the expense of the seminar sponsors. Although recognizing the need for maintaining public trust and confidence in the federal courts, the Executive Committee raised serious concerns about the proposed legislation, noting that it represented an inappropriate response to a highly complex issue. After discussion, the Judicial Conference approved an Executive Committee recommendation that the Conference communicate to Congress the following views on the proposed legislation:

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a. S. 2990 (106th Congress) is overly broad; would have unintended consequences, such as prohibiting federal judges from reimbursed attendance at bar association meetings and law school seminars; raises potential constitutional issues, such as imposing an undue burden on speech; and would mandate an inappropriate censorship role for the Federal Judicial Center;

b. The proposed legislation raises a number of serious issues that deserve due consideration, including congressional hearings and an opportunity for the Judicial Conference to study and comment upon those issues and to take such action as is necessary and appropriate; and

c. In its present form the Judicial Conference of the United States opposes S. 2990.

FINANCIAL DISCLOSURE REPORTS

At its March 2000 session, the Judicial Conference approved an Executive Committee recommendation concerning the public release of financial disclosure reports and the processing of requests for the redaction of certain information from those reports for security reasons (JCUS-MAR 00, pp. 4-6). This action necessitated revision of the Regulations of the Judicial Conference of the United States on Access to Financial Disclosure Reports Filed by Judges and Judiciary Employees Under the Ethics in Government Act of 1978, as Amended. The Executive Committee, in consultation with the chairs of the Committees on Codes of Conduct and Security and Facilities and the full Financial Disclosure Committee, drafted modifications to the regulations — including an appellate mechanism involving a redaction review panel — and, after opportunity for review by the Department of Justice, transmitted them to the Judicial Conference for ratification. The regulations were unanimously approved by the Conference (with one member not voting) by mail ballot concluded on May 3, 2000. Shortly thereafter, the Executive Committee approved further amendments permitting redaction of information that would reveal either the location of a residence of the filer or of a family member or the place of employment of the filer. S*ee also infra*, "Financial Disclosure Reports," p. 53.

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FEDERAL EMPLOYEES' GROUP LIFE INSURANCE

Prior to October 1998, Article III judges had the exclusive right to carry full Federal Employees' Group Life Insurance (FEGLI) coverage into retirement, and many relied on this coverage in developing their financial and estate plans. In 1998, after Congress enacted legislation expanding this benefit to all federal employees, the Office of Personnel Management proposed rate changes in FEGLI premiums that would significantly increase for judges the cost of maintaining the insurance and, for older judges, make continued coverage prohibitively expensive. To minimize the impact of this regulatory change, Congress enacted legislation, Public Law No. 106-113 (the "FEGLI fix"), authorizing the Director of the Administrative Office, on direction of the Judicial Conference, to pay the cost of any increase. Advised that Congress was considering extending the FEGLI fix to United States bankruptcy judges and United States magistrate judges, the Executive Committee, on behalf of the Conference, took the following position:

The "FEGLI fix" was enacted in order to allow Article III judges to continue to carry full Federal Employees' Group Life Insurance coverage into retirement. The "fix" was critical in maintaining the *status quo* for Article III judges, who were in peril of losing a long-time benefit—applicable only to life-tenured federal judges—upon which many of them had come to rely as the keystone of their financial and estate planning.

The Executive Committee of the Judicial Conference recently became aware of proposed legislation that would include United States bankruptcy judges and United States magistrate judges within the "FEGLI fix." Whether the "fix" should be extended beyond the Article III judiciary is an extremely complex issue that could have potential impact beyond the Third Branch. Accordingly, the Executive Committee respectfully requests that Congress defer action on this issue until a complete review and discussion can be had within the judicial branch, and also between the judiciary and the other two branches.

See also infra, "Federal Employees' Group Life Insurance," pp. 54-55.

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MISCELLANEOUS ACTIONS

The Executive Committee—

- Approved proposed interim financial plans for fiscal year 2001 for the Salaries and Expenses, Defender Services, Fees of Jurors and Commissioners, and Court Security accounts, based on the Senate allowance for direct appropriations, as well as fee collections and carryover balances, and authorized the Director of the Administrative Office to make technical and other adjustments as deemed necessary.

- Approved a recommendation of the Defender Services Committee for prospective implementation of a $75 per hour rate for in-court and out-of-court work performed by Criminal Justice Act (CJA) panel attorneys representing Terry Lynn Nichols, who was convicted in connection with the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, in his 28 U.S.C. § 2255 motion.

- Agreed to continue to promote the September 1999 Conference position on a bankruptcy appellate structure (JCUS-SEP 99, p. 44-45) and to a fallback position that could be used in negotiations with Congress, if necessary.

- On recommendation of the Defender Services Committee, approved modifications to the Guidelines for the Administration of the Criminal Justice Act and Related Statutes to implement the provisions of the Civil Asset Forfeiture Reform Act of 2000, Public Law No. 106-185, relating to the appointment and compensation of counsel on behalf of certain claimants in judicial civil forfeiture proceedings.

- Approved a recommendation of the Court Administration and Case Management Committee that legislation be sought to designate Springfield as a place of holding court in the District of Oregon.

- Agreed to release non-resident court facilities in Auburn in the Northern District of New York, and Jasper in the Northern District of Alabama, as recommended by the Committee on Security and Facilities.

- Approved, with a minor modification, a revised jurisdictional statement proposed by the Committee on the Administration of the Bankruptcy System.

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- Declined to delegate to the Court Administration and Case Management Committee the authority to approve the final draft of the "Manual for Litigation Management and Cost and Delay Reduction," which the Civil Justice Reform Act of 1990 requires the Conference to prepare.

- Approved, on recommendation of the Committee on Judicial Resources and in anticipation of the approval of new court staffing formulae by the Judicial Conference in September 2000, a staffing formula transition plan to provide as smooth a transition as possible. *See also infra*, "Staffing Formulae," pp. 56-57.

- On recommendation of the Committee on the Administration of the Magistrate Judges System, granted a waiver of the selection and appointment regulations to allow the service of two non-resident members on the merit selection panel considering applicants for a vacant magistrate judge position at Newark, New Jersey.

COMMITTEE ON THE ADMINISTRATIVE OFFICE

COMMITTEE ACTIVITIES

The Committee on the Administrative Office reported that it reviewed the status of several major initiatives and studies undertaken by the Administrative Office. It noted particularly the successful implementation of supplemental benefits programs. The Committee received a comprehensive briefing on the Administrative Office's information technology program, including updates on the planned introduction of new case management/electronic case files (CM/ECF) systems, the use of courtroom technologies, and information technology training and support activities.

COMMITTEE ON AUTOMATION AND TECHNOLOGY

COMMITTEE ACTIVITIES

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The Committee on Automation and Technology reported that it discussed the progress of an ongoing study of law books and libraries being conducted under the auspices of its Subcommittee on Library Programs. The Committee also reaffirmed its strong support of the new CM/ECF systems under development as the preferred case management applications for the judiciary; discussed preliminary directions of an independent, comprehensive study of the judiciary's national information technology program that it is jointly sponsoring with the Director of the Administrative Office; and received updates on a number of information technology issues.

COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM

BANKRUPTCY JUDGESHIPS

In accordance with 28 U.S.C. § 152(b)(3), the Judicial Conference conducts a comprehensive review of all judicial districts every other year to assess the continuing need for all authorized bankruptcy judgeships. By December 31 of each even-numbered year, the Conference reports its recommendations to

Congress for the elimination of any authorized bankruptcy judgeship position that can be eliminated when a vacancy exists by reason of resignation, retirement, removal, or death. As a result of the 2000 continuing need survey, the Committee on the Administration of the Bankruptcy System recommended, and the Judicial Conference agreed, that the Conference take the following actions:

a. Recommend to Congress that no bankruptcy judgeship be statutorily eliminated;

b. Advise the First, Eighth, and Ninth Circuit Judicial Councils to consider not filling vacancies in the District of Maine, the District of South Dakota and the Northern District of Iowa, and the District of Alaska (respectively) that currently exist or may occur by reason of resignation, retirement, removal, or death, until there is a demonstrated need to do so; and

c. Advise the Eighth Circuit Judicial Council that, if a vacancy were to occur in the State of Iowa by reason of resignation, retirement, removal, or death of a bankruptcy judge, it should authorize the three remaining Iowa bankruptcy judges to administer cases within both Iowa districts.

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REAPPOINTMENT OF BANKRUPTCY JUDGES

In March 1997, the Judicial Conference adopted a new chapter 5 to the Regulations of the Judicial Conference of the United States for the Selection, Appointment, and Reappointment of United States Bankruptcy Judges to provide for reappointment of incumbent bankruptcy judges without subjecting them to the full application and merit screening process required of candidates for new positions (JCUS-MAR 97, p. 13). Recently, concerns have been raised by some courts of appeals about the difficulty of complying with the time frames set forth in chapter 5 when questions arise about an incumbent's suitability. To address these concerns, the Conference, on recommendation of the Committee, adopted amendments to chapter 5 that provide courts of appeals with the flexibility to extend the time frames in appropriate cases and to require as much as 12 months advance written notice of a judge's willingness to accept reappointment. In addition, the Conference approved a recommendation of the Committee to add

language to chapter 5 that clarifies the long-standing view that the selection, appointment, and reappointment regulations set forth procedural guidelines that create no vested rights for any incumbent or prospective bankruptcy judge.

PLACE OF HOLDING BANKRUPTCY COURT

At the request of the Western District of North Carolina and the Fourth Circuit Judicial Council, and in accordance with 28 U.S.C. § 152(b)(1), the Committee on the Administration of the Bankruptcy System recommended, and the Judicial Conference approved, the designation of Wilkesboro as an additional place of holding bankruptcy court and the deletion of Statesville as a place of holding bankruptcy court in the Western District of North Carolina.

COMMITTEE ACTIVITIES

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The Committee on the Administration of the Bankruptcy System reported that it recommended for further study a number of policy options regarding privacy and public access to electronic case files for possible adoption by the judiciary. In addition, the Committee determined that the recommendations of the National Bankruptcy Review Commission concerning the treatment of mass future claims in bankruptcy merit further study. With regard to space and facilities issues, the Committee agreed to communicate to the Committee on Security and Facilities that it concurred in the view that bankruptcy courtrooms do not normally require a jury box unless there is a demonstrated need and that it opposed mandatory courtroom sharing for judges.

COMMITTEE ON THE BUDGET

FISCAL YEAR 2002 BUDGET REQUEST

In recognition of congressional budget constraints, the Budget Committee recommended a fiscal year 2002 budget request that is lower than the funding levels proposed by the program committees. The Judicial Conference approved the request, with one modification, subject to amendments necessary as a result of new legislation, actions of the Judicial Conference, or other reasons the Director of the Administrative Office considers necessary and appropriate. The request

was modified by adoption of a recommendation of the Defender Services Committee to increase the CJA panel attorney hourly rate to $113 for both in-court and out-of-court time. (The Budget Committee had recommended $85 for in-court time and $75 for out-of-court time.) The $113 rate reflects implementation of a $75 per hour rate approved by the Conference but not yet implemented in most districts, adjusted by cost-of-living salary increases granted between 1988 and 2002 to most federal employees. *See infra*, "Panel Attorney Compensation," p. 50.

COMMITTEE ACTIVITIES

The Committee on the Budget reported that the new staffing formulae for court support offices (*see infra*, "Staffing Formulae," pp. 56-57) were incorporated into the fiscal year 2002 budget request and commended the efforts taken in completing the formula revisions. The Committee was briefed on the updating of existing court allotment formulae in non-personnel areas and the development of a methodology for allotting funds in spending categories for which no formulae previously existed. The Committee also reported that long-range planning and budgeting will be a focal point at its January 2001 meeting.

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COMMITTEE ON CODES OF CONDUCT

CODE OF CONDUCT FOR UNITED STATES JUDGES

To clarify that the Code of Conduct for United States Judges applies to senior judges, whether or not they are actually performing judicial duties, the Judicial Conference adopted a recommendation of the Committee on Codes of Conduct to amend the first sentence of the Compliance Section of the Code as follows (new language in bold; language to be omitted is struck through):

> Anyone who is an officer of the federal judicial system ~~performing~~ **authorized to perform** judicial functions is a judge for the purpose of this Code.

COMMITTEE ACTIVITIES

The Committee on Codes of Conduct reported that since its last report to the Conference in March 2000, the Committee received 31 new written inquiries and issued 31 written advisory responses with an average response time of 18 days. The Chairman received and responded to 29 telephonic inquiries, and individual Committee members responded to 147 inquiries from their colleagues.

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

ACCESS TO LOCAL RULES

On recommendation of the Committee on Court Administration and Case Management, the Judicial Conference agreed to adopt a proposal, also endorsed by the Committee on Rules of Practice and Procedure, that the Conference encourage courts to post their local rules on Internet websites, which would then be linked to the judiciary's external website. The intent of this proposal is to create a single source for all local rules that is easily accessible by the bench, bar, and public. Specifically, the Conference agreed to—

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a. Encourage appellate, district and bankruptcy courts to (1) post their local rules on their own websites by July 1, 2001, and if they do not have a website, to develop one, if only to post their local rules; (2) establish a local rules icon or post their local rules in a prominent location on their websites, to which a user could have ready access; and (3) include a uniform statement indicating that the rules are current as of a date certain; and

b. Direct the Administrative Office to link local court websites to its federal rules Internet web page.

JURY SELECTION AND SERVICE ACT

Under the Jury Selection and Service Act, 28 U.S.C. § 1864 *et seq.*, for the traditional two-step jury selection process, individuals who fail to respond to the

qualification questionnaire "may" be called into court to fill out the form (28 U.S.C. § 1864(a)), while those who fail to respond to a summons "shall" be ordered into court to show cause for their non-compliance (28 U.S.C. § 1866(g)). A number of courts utilize a one-step jury selection process, a procedure whereby qualification questionnaires and summonses are sent out simultaneously. In order to limit challenges to the one-step process based on a court's failure to take action against persons who do not respond to the one-step juror qualification questionnaires and summonses, the Court Administration and Case Management Committee recommended that the Judicial Conference endorse an amendment to § 1866(g) to change the statute's language from "shall" to "may." This is in keeping with § 1878(b), which provides that "no challenge ... shall lie solely on the basis that a jury was selected in accordance with a one-step summoning and qualification procedure," and would allow courts to determine locally the extent of enforcement for failure to respond to either the one- or two-step summons. The Judicial Conference approved the recommendation to seek amendment of the first sentence of 28 U.S.C. § 1866(g) as follows (new language in bold; language to be omitted is struck through):

> (g) Any person summoned for jury service who fails to appear as directed **may** ~~shall~~ be ordered by the district court to appear forthwith and show cause for ~~his~~ failure to comply with the summons.

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JUROR QUALIFICATION QUESTIONNAIRE

Two substantial changes were made in the 2000 census regarding the collection of data on race. First, the major racial groups were expanded from five to six by separating "Asian and Pacific Islander" into "Asian" and "Native Hawaiians and other Pacific Islanders," and second, individuals who consider themselves multi-racial could be so categorized. To continue the practice of having the juror qualification questionnaire track the census forms, the Court Administration and Case Management Committee recommended that the question on the questionnaire dealing with race be amended to reflect the census changes. In addition, the Committee recommended that separate questions regarding race and ethnicity be merged. The Conference adopted the Committee's recommendation to revise the juror qualification questionnaire to read as set forth below. The Conference also directed the Administrative Office to make implementing changes to its Form JS-12 "Report on the Operation of the Jury

Selection Plan," which collects juror representation statistics, and if necessary, to the juror qualification form.

10. RACE/ETHNICITY

a. To assist in ensuring that all people are represented on juries, please fill in completely one or more circles which describe you. (See Note on reverse side.) Nothing disclosed will affect your selection for jury service.

- -Black
- -Asian
- -Native American Indian
- -White
- -Native Hawaiian/Pacific Islander
- -Other (specify) _____

b. Are you Hispanic?
- -yes
- -no

ELECTRONIC PUBLIC ACCESS FEES

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In September 1998, the Judicial Conference amended the miscellaneous fee schedules for the appellate, district and bankruptcy courts, the United States Court of Federal Claims, and the Judicial Panel on Multidistrict Litigation (promulgated pursuant to 28 U.S.C. §§ 1913, 1914, 1926, 1930, and 1932) to establish a fee of $.07 per Internet page for information obtained through the public access to court electronic records (PACER) system (JCUS-SEP 98, pp. 64-65). In order to clarify that this fee was intended to apply to all case-related documents obtained electronically via the Internet, and not merely docket sheets, the Conference adopted a recommendation of the Committee to amend the language of subpart (a) of the addendum to those miscellaneous fee schedules as follows (new language in bold; language to be omitted is struck through):

(a) The Judicial Conference has prescribed a fee for access to court data obtained electronically from the public ~~dockets~~ **records** of individual case**s** ~~records~~ in the court, **including filed documents and the docket sheet,** except as provided below.

COMMITTEE ACTIVITIES

The Committee on Court Administration and Case Management reported that it discussed a number of issues, including the development of a proposed privacy policy for the judiciary by its Subcommittee on Privacy and Electronic Access to Case Files; the prisoner civil rights pretrial proceedings videoconferencing program and the growth of videoconferencing in the district courts; the litigation management manual that is being drafted pursuant to a requirement of the Civil Justice Reform Act of 1990; and the Committee's role in long-range planning and budgeting. In addition, the Committee discussed the implementation of Recommendation 73 of the judiciary's *Long Range Plan for the Federal Courts*, which calls for the federal courts to expand their data-collection and information-gathering capacity to obtain better data for judicial administration.

COMMITTEE ON CRIMINAL LAW

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FINE AND RESTITUTION MONOGRAPH

On recommendation of the Committee on Criminal Law, the Judicial Conference approved for publication and distribution to the courts a new monograph, *Criminal Monetary Penalties: A Guide to the Probation Officer's Role* (Monograph 114), including revised forms for judgments in criminal cases (AO 245B-245I). The monograph consolidates existing policies; provides uniform procedures on the imposition, collection, and enforcement of criminal monetary penalties; and establishes a closer nexus between already-established policy in this area and any Federal Judicial Center financial investigation training.

COMMITTEE ACTIVITIES

The Committee on Criminal Law reported on the status of a comprehensive assessment of the probation and pretrial services system and the establishment of an ad hoc working group to review probation and pretrial services supervision. The Committee also reported that it has been working with the Committee on Court Administration and Case Management to consider whether access to public records through the Internet requires changes in existing

judiciary policies. The Committee is reviewing policy alternatives for electronic access to criminal files, along with the associated implications.

COMMITTEE ON DEFENDER SERVICES

PANEL ATTORNEY COMPENSATION

In 1986, Congress amended paragraph (1) of subsection (d) of the Criminal Justice Act, 18 U.S.C. § 3006A, to authorize the Judicial Conference to increase the $60 in-court/$40 out-of-court panel attorney hourly rates to $75 where justified for individual circuits and districts, and beginning in 1990, to make annual adjustments to the maximum hourly rates based on cost-of-living pay increases granted by statute to most federal employees. The Judicial Conference has approved the $75 rate for all judicial districts. However, due to budgetary and congressional constraints, the panel attorney rates authorized by statute and Conference action have yet to be fully implemented.[2] Noting the eroding effect of inflation on currently established rates, the discrepancy between panel attorney rates and rates paid by the government to counsel for other purposes, and the already-established policy of the Conference that panel attorneys should receive compensation that covers "reasonable overhead and a fair hourly fee," the Defender Services Committee recommended that the Judicial Conference seek for fiscal year 2002 an authorized hourly rate for panel attorneys of $113 for both in- and out-of-court time to reflect implementation of the $75 hourly rate and employee salary cost-of-living adjustments from 1988 to 2002. This recommendation conflicted with the fiscal year 2002 budget request endorsed by the Budget Committee. *See supra*, "Fiscal Year 2002 Budget Request," pp. 44-45. The Conference approved the Defender Services Committee's recommendation and modified the fiscal year 2002 budget request accordingly.

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[2]In 1990, the Judicial Conference implemented higher rates up to $75 in all or part of 16 districts. Subsequently, through fiscal year 2000, Congress has authorized two $5 increases, resulting in hourly rates of $70 in-court/$50 out-of-court in most districts.

STUDENT LOAN FORGIVENESS

A student loan forgiveness program of the Department of Education, the Federal Perkins Loan Program, has been interpreted to include prosecuting attorneys, but not federal defenders. In order to maintain the parity established in the Criminal Justice Act with respect to the compensation of prosecuting attorneys and federal defenders, the Judicial Conference approved a Defender Services Committee recommendation that it support legislation that would provide federal defenders with the same eligibility for student loan forgiveness as is granted to their counterparts in United States attorney offices.

COMMITTEE ACTIVITIES

Under its delegated authority from the Judicial Conference (JCUS-MAR 89, pp. 16-17), the Defender Services Committee approved increases totaling $1,656,000 for the fiscal year 2000 budgets of three federal public defender organizations.

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The Committee also reported that it approved a strategic plan outline that defines the mission and goals for the judiciary's implementation and management of the CJA, and includes both strategies for accomplishing the program goals and performance measures to determine the degree to which each strategy meets its targeted goal. The Committee reviewed a report on federal defender and panel attorney training events in fiscal year 2000, and approved plans for training in fiscal year 2001, subject to the availability of funding. The Committee also recommended and obtained expedited approval by the Executive Committee, on behalf of the Judicial Conference, of revisions to the CJA Guidelines to reflect the authorization provided in the Civil Asset Forfeiture Reform Act of 2000, Public Law No. 106-185, for appointment of counsel, to be paid at CJA rates, for representation in certain civil forfeiture proceedings. *See supra*, "Miscellaneous Actions," pp. 40-41.

COMMITTEE ON FEDERAL-STATE JURISDICTION

FIFTH AMENDMENT TAKINGS CASES

District courts and the United States Court of Federal Claims generally have concurrent jurisdiction over Fifth Amendment takings claims. However, equitable relief (*e.g.*, injunctive and declaratory relief) in such cases is only available in district court pursuant to 28 U.S.C. § 1346(a)(2) (known as the Little Tucker Act), and monetary relief exceeding $10,000 is only available in the Court of Federal Claims pursuant to 28 U.S.C. § 1491 (Tucker Act). As a result, it is sometimes necessary for litigants to file actions in both courts in order to obtain equitable and monetary relief. For the past several years, some members of Congress have sought to address this situation through legislation that would make complete relief available in both courts by expanding the jurisdiction and remedial powers of the Court of Federal Claims, as well as the jurisdiction of district courts over monetary claims exceeding $10,000. The Judicial Conference is opposed to such jurisdictional expansion in the Court of Federal Claims (JCUS-MAR 92, pp. 22-23; JCUS-SEP 95, pp. 82-83) and has repeatedly informed Congress of its concerns with that approach. Given the continuing efforts in Congress to resolve the so-called Tucker Act "shuffle," the Committee on Federal-State Jurisdiction recommended that the Conference take the position that if Congress determines to provide complete relief for the resolution of Fifth Amendment takings claims in one judicial forum, then that forum should be an Article III court, and the present jurisdictional monetary ceiling of $10,000 for such claims brought under 28 U.S.C. § 1346 should be eliminated. The Conference adopted the Committee's recommendation.

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COMMITTEE ACTIVITIES

The Committee on Federal-State Jurisdiction reported that its members had substantial concerns with provisions of the Innocence Protection Act of 2000 (S. 2690 and H.R. 4167, 106th Congress) that would place new responsibilities on the Director of the Administrative Office to promulgate regulations specifying the elements of an effective system for providing competent legal services to indigents in state capital cases and to award grants to provide defense services in state capital cases. The Committee determined to pursue further these and other issues raised in such bills after consulting with other interested Conference committees. The Committee also discussed the Federalization of Crimes Uniform

Standards Act of 2000 (H.R. 4544, 106th Congress), the Small Business Liability Reform Act of 2000 (H.R. 2366, 106th Congress), and several mass tort and class action issues.

COMMITTEE ON FINANCIAL DISCLOSURE

FINANCIAL DISCLOSURE REPORTS

In May 2000, the Judicial Conference approved revisions to the Regulations of the Judicial Conference of the United States on Access to Financial Disclosure Reports Filed by Judges and Judiciary Employees Under the Ethics in Government Act of 1978, as Amended, setting forth procedures for the redaction of information from financial disclosure reports that is otherwise confidential and could endanger the filer or other person if obtained by a member of the public hostile to the filer. *See supra*, " Financial Disclosure Reports,"
p. 39. Noting that a filer's request for redaction may also contain sensitive and personal information that could endanger the filer if made public, the Committee on Financial Disclosure recommended that the Conference amend the regulations to provide that a filer's request for redaction and its supporting documents, except for copies of the financial disclosure report or amendments thereto, are confidential and will only be used to determine whether to grant a request for redaction. Such documents are not considered to be a part of any report releasable under section 105(b)(1) of the Act. The Conference adopted the Committee's recommendation.

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COMMITTEE ACTIVITIES

The Committee on Financial Disclosure reported that as of July 15, 2000, the Committee had received and reviewed 3,214 financial disclosure reports and certifications for the calendar year 1999, including 1,217 reports and certifications from Supreme Court Justices, Article III judges, and judicial officers of national courts; 335 from bankruptcy judges; 481 from magistrate judges; and 1,181 from judicial employees.

COMMITTEE ON INTERCIRCUIT ASSIGNMENTS

COMMITTEE ACTIVITIES

The Committee on Intercircuit Assignments reported that during the period from January 1, 2000, to June 30, 2000, a total of 101 intercircuit assignments, undertaken by 70 Article III judges, were processed and recommended by the Committee and approved by the Chief Justice. In addition, the Committee aided courts requesting assistance by both identifying and obtaining judges willing to take assignments.

COMMITTEE ON INTERNATIONAL JUDICIAL RELATIONS

COMMITTEE ACTIVITIES

The Committee on International Judicial Relations reported on its participation in a World Bank conference on legal and judicial reform held in Washington, D.C., on June 5-7, 2000, and its involvement in rule-of-law programs in or with delegations from Africa, Asia, Europe, and Latin America. The Committee also reported on the revision of its strategic plan, and its plans to use a web-based questionnaire to update its database of federal judges, court administrators, and federal defenders interested in assisting foreign judiciaries and organizations involved in international judicial reform and the rule of law. The database is used to make referrals to organizations requesting judicial assistance in the United States and abroad.

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COMMITTEE ON THE JUDICIAL BRANCH

FEDERAL EMPLOYEES' GROUP LIFE INSURANCE

In November 1999, legislation was enacted to mitigate the effect of a proposal by the Office of Personnel Management to double the Federal Employees' Group Life Insurance premiums for judges aged 65 and above (Public Law No. 106-113). This legislation authorized the Director of the Administrative Office, as directed by the Judicial Conference, to pay the cost of any such increase on behalf of Article III judges. To implement this new law and ensure that Article III judges retain the full value of their FEGLI benefits, which many judges have

come to rely upon as the centerpiece of their estate plans, the Committee on the Judicial Branch recommended that the Judicial Conference authorize payment on behalf of (a) all active Article III judges aged 65 and above, (b) senior judges retired under 28 U.S.C. § 371(b) or 372(a), and (c) judges retired under 28 U.S.C. § 371(a) who are enrolled in the program, of the full amount of any increases in the cost (and any expenses associated with such payments) of the judges' insurance imposed after April 24, 1999. The Conference adopted the Committee's recommendation. *See also supra*, "Federal Employees' Group Life Insurance," pp. 39-40.

TRAVEL REGULATIONS FOR UNITED STATES JUSTICES AND JUDGES

Filing of Travel Vouchers. On recommendation of the Judicial Branch Committee, the Judicial Conference approved an amendment to the Travel Regulations for United States Justices and Judges to establish a time limit for judges' submission of claims for reimbursement of travel expenses. The revised regulations require judges to submit claims for reimbursement within 90 days after the official travel is completed. The Director of the Administrative Office may make exceptions when necessary to meet special circumstances or in the best interest of the government.

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Reimbursement for Day-of-Return Expenses. The Travel Regulations for United States Justices and Judges have sometimes been understood to preclude a judge from claiming reimbursement for actual expenses on the day of return from travel. At this session, the Judicial Conference adopted a recommendation of the Judicial Branch Committee to amend the judges' travel regulations to provide that on the day of return to his or her official duty station or residence, a judge may (a) claim a per diem allowance for meals and other expenses of $46, or (b) itemize meals and other subsistence expenses up to a daily maximum of $100.

Non-Case Related Travel. At its September 1999 session, the Judicial Conference adopted regulations for the reporting of non-case related travel that instructed judges to file their reports using a draft form set out in an appendix (JCUS-SEP 99, p. 65). That form has now been replaced by an electronic system, the "Judges' Non-Case Related Travel Reporting System," which not only allows judges to report electronically such travel, but also allows a chief judge to have access to a court's reports in chambers. On recommendation of the Committee,

the Conference agreed to amend the travel regulations to (a) refer to the automated Judges' Non-Case Related Travel Reporting System in lieu of the draft reporting form; and (b) authorize the Director, without further Conference approval, to make conforming changes to the judges' travel regulations should the title or website address of the Judges' Non-Case Related Travel Reporting System change.

COMMITTEE ACTIVITIES

The Committee on the Judicial Branch reported on the status of its efforts to secure cost-of-living and locality pay adjustments for judges, and the difficulties the judiciary is facing, particularly with regard to retention and recruitment, as a result of woefully inadequate judicial salaries and the lure of private sector compensation. The Committee also reported on, among other matters, the judiciary's benefits initiatives and the status of two cases raising issues concerning taxation of judicial compensation.

COMMITTEE ON JUDICIAL RESOURCES

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STAFFING FORMULAE

The judiciary's requests for funding of staff positions for court support offices are based on staffing formulae which had not been updated since the early 1990s. At the direction of the Judicial Resources Committee, comprehensive work measurement studies were undertaken in court support offices, and proposed staffing formulae were developed which, nationwide, reflect all the work performed in these offices. The new formulae, while not expected to reflect all possible situations due to varying managerial styles, operating environments, and priorities, will provide adequate support for the workload in each office in the aggregate, and decentralized budgeting allows local managers to exercise the authority to assign and prioritize work requirements as necessary. On recommendation of the Committee, the Judicial Conference approved proposed staffing formulae for the appellate court units and circuit offices, the district clerks' offices, the district court pro se law clerk offices, the probation and pretrial services offices, and the bankruptcy clerks' offices, for implementation in fiscal year 2001. The Conference also approved a one-year continued use of high-year

prisoner petition reporting as an interim device for the district clerks' offices. *See also supra,* "Miscellaneous Actions," pp. 40-41.

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COURT INTERPRETER POSITIONS

Additional court interpreter positions are needed in certain districts to handle a dramatic increase in criminal case filings associated with an initiative of the Department of Justice in the southwest border districts. Based on established criteria, the Committee on Judicial Resources recommended, and the Judicial Conference approved, two additional court interpreter positions for the Southern District of Texas and five additional court interpreter positions (two of which are presently temporary positions) for the Western District of Texas for fiscal year 2002. The latter five positions will be funded in fiscal year 2001, if possible.

COURT OF FEDERAL CLAIMS CLERK'S OFFICE

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In order to address recent increases in both case filings and the number of sitting judges, the United States Court of Federal Claims requested seven new positions for its clerk's office. On the Committee's recommendation, the Conference approved the new positions as part of the fiscal year 2002 budget request, with the proviso that if the number of senior/recalled judges should decrease, the court's allocation will be adjusted accordingly. The Conference also agreed to support accelerated funding for these seven positions as an unfunded requirement in fiscal year 2001.

LEAVE POLICY FOR ORGAN DONORS

In order to enhance the federal government's leadership role in encouraging organ donations, section 6327 of title 5, United States Code, was recently amended to increase from seven to 30 days each calendar year the amount of paid leave executive branch employees may receive when serving as organ donors. This statute does not currently apply to the judiciary. The Committee recommended that the judiciary conform its leave policy to that of the executive branch and adopt the same increase to 30 days of paid leave for judiciary employees to serve as organ donors. The Conference approved the Committee's recommendation.

ARTICLE III JUDGESHIP NEEDS

It has been a decade since an omnibus judgeship bill has been enacted by Congress.[3] However, toward the end of the 106th Congress, it appeared that Congress might be willing to entertain such a bill, with the additional judgeships to be filled by the next President. Consequently, the Judicial Resources Committee determined to accelerate its Biennial Survey of Judgeship Needs, the results of which are usually presented to the Judicial Conference in March of odd-numbered years, so that up-to-date Conference recommendations could be considered in any judgeship bill. On recommendation of the Judicial Resources Committee and its Subcommittee on Judicial Statistics, the Judicial Conference agreed, by mail ballot concluded on July 27, 2000, to recommend that Congress establish six permanent and four temporary circuit judgeships and 30 permanent and 23 temporary district judgeships, convert seven temporary district judgeships to permanent, and extend one temporary district judgeship, as follows ("P" denotes permanent; "T" denotes temporary):

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Courts of Appeals	
First Circuit	1T
Second Circuit	2P
Sixth Circuit	2P
Ninth Circuit	2P, 3T

District Courts	
Alabama (Middle)	1P
Alabama (Northern)	1P, 1T
Alabama (Southern)	1T
Arizona	1P, 4T
California (Central)	2T
California (Eastern)	2P, Convert 1T to P
California (Northern)	1P
California (Southern)	5P, 3T
Colorado	1P, 1T
Florida (Middle)	1P, 1T
Florida (Southern)	2P

[3]In 1999, Congress did create nine additional judgeships in three judicial districts.

Hawaii	Convert 1T to P
Illinois (Central)	Convert 1T to P
Illinois (Southern)	Convert 1T to P
Indiana (Southern)	1T
Kentucky (Eastern)	1T
Nebraska	Convert 1T to P
Nevada	1T
New Mexico	2P, 1T
New York (Eastern)	3P
New York (Northern)	1T, Convert 1T to P
New York (Western)	1T
North Carolina (Western)	2P
Ohio (Northern)	Extend T
Oregon	1T
South Carolina	1P
Texas (Southern)	2P
Texas (Eastern)	1T
Texas (Western)	3P, 1T
Virginia (Eastern)	2P, Convert 1T to P
Washington (Western)	1T

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COMMITTEE ACTIVITIES

The Committee on Judicial Resources reported that after considering various alternatives to the current allocation formula for death penalty law clerks, it asked the Administrative Office to conduct a work measurement study of the program and report back within two years. The Committee also requested that the Administrative Office make technical adjustments to the current court-sizing formula to ensure that the compensation levels of incumbent court unit executives are not reduced solely by virtue of implementation of the new staffing formulae. The Committee endorsed the concept of physical fitness centers in the judiciary and asked the Administrative Office to develop a fitness center policy. The Committee also endorsed the concept of ergonomics in the judicial workplace and encouraged the Committee on Security and Facilities to develop a policy in that area.

COMMITTEE ON THE ADMINISTRATION OF THE MAGISTRATE JUDGES SYSTEM

MAGISTRATE JUDGE SURVEY PROCESS

In March 1991, the Judicial Conference adopted a methodology for reviewing magistrate judge positions which provided for district-wide reviews every four years for districts with part-time magistrate judge positions, and every five years for districts with only full-time magistrate judge positions (JCUS-MAR 91, pp. 20-21). The four-year cycle was intended to accelerate the transition to a system of primarily full-time magistrate judges. Citing a significant decline in the number of part-time magistrate judge positions, the ability of courts to request a change in status of part-time magistrate judge positions at any time, and the prospect of savings of both time and money, the Committee on the Administration of the Magistrate Judges System recommended and the Conference approved a change in the methodology for reviewing magistrate judge positions to provide for district-wide reviews every five years for all districts.

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SELECTION AND APPOINTMENT REGULATIONS

Section 4.02 of the Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Appointment and Reappointment of United States Magistrate Judges requires a full-field background investigation by the Federal Bureau of Investigation (FBI) of nominees to full-time or part-time magistrate judge positions prior to appointment. These regulations have not been interpreted to require incumbent part-time magistrate judges who have been selected for full-time positions to undergo a second FBI full-field investigation prior to their full-time appointment. However, the vast majority of part-time magistrate judges also practice law, and much of their work is therefore not supervised by the court. In order to ensure that such individuals have not engaged in any illegal or improper activity, the Conference adopted a recommendation of the Magistrate Judges Committee that Section 4.02 be amended to require that all part-time magistrate judge appointees to full-time magistrate judge positions, including those who were the subject of a full-field background investigation prior to appointment to the part-time position, undergo an FBI full-field background investigation prior to full-time appointment.

CHANGES IN MAGISTRATE JUDGE POSITIONS

After consideration of the report of the Committee and the recommendations of the Director of the Administrative Office, the district courts, and the judicial councils of the circuits, the Judicial Conference approved the following changes in positions, locations, salaries, and arrangements for full-time and part-time magistrate judge positions. Changes with a budgetary impact are to be effective when appropriated funds are available.

DISTRICT OF COLUMBIA CIRCUIT

District of Columbia

Made no change in the number or arrangements of the magistrate judge positions in the district.

FIRST CIRCUIT

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District of Puerto Rico

1. Authorized an additional full-time magistrate judge position at San Juan or Ponce to serve both locations; and

2. Made no change in the number, location, or arrangements of the other magistrate judge positions in the district.

SECOND CIRCUIT

District of Connecticut

Redesignated one of the New Haven magistrate judge positions as Hartford or New Haven.

Eastern District of New York

Redesignated the two Uniondale magistrate judge positions, the Uniondale or Hauppauge magistrate judge position, and the Hauppauge or Hempstead or Uniondale magistrate judge position as Central Islip.

Southern District of New York

Made no change in the number, locations, salaries, or arrangements of the magistrate judge positions in the district.

THIRD CIRCUIT

District of Delaware

Made no change in the number of positions, or the location or arrangement of the existing magistrate judge position in the district.

Western District of Pennsylvania

1. Converted the part-time magistrate judge position at Erie to full-time status; and

2. Made no change in the number, locations, salaries, or arrangements of the other magistrate judge positions in the district.

District of the Virgin Islands

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Made no change in the number, locations, or arrangements of the magistrate judge positions in the district.

FIFTH CIRCUIT

Western District of Texas

1. Authorized an additional full-time magistrate judge position at Pecos or Alpine;

2. Discontinued the part-time magistrate judge position at Alpine or Big Bend National Park, effective upon the appointment of a full-time magistrate judge at Pecos or Alpine; and

3. Made no change in the number, locations, or arrangements of the other magistrate judge positions in the district.

SIXTH CIRCUIT

Southern District of Ohio

Made no change in the number, locations, or arrangements of the magistrate judge positions in the district.

EIGHTH CIRCUIT

Western District of Arkansas

Made no change in the number, locations, salaries, or arrangements of the magistrate judge positions in the district.

NINTH CIRCUIT

District of Arizona

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1. Authorized one additional full-time magistrate judge position at Phoenix;

2. Authorized two additional full-time magistrate judge positions at Tucson; and

3. Made no change in the number, locations, or arrangements of the other magistrate judge positions in the district.

Central District of California

1. Authorized three additional full-time magistrate judge positions at Los Angeles and one additional full-time magistrate judge position at Los Angeles or Riverside;

2. Increased the salary of the part-time magistrate judge position at Barstow from Level 5 ($21,833 per annum) to Level 3 ($43,665 per annum); and

3. Made no change in the number, locations, salaries, or arrangements of the other magistrate judge positions in the district.

Eastern District of Washington

Made no change in the number, locations, or arrangements of the magistrate judge positions in the district.

TENTH CIRCUIT

Western District of Oklahoma

Made no change in the number, locations, salaries, or arrangements of the magistrate judge positions in the district.

ELEVENTH CIRCUIT

Northern District of Florida

1. Increased the salary of the part-time magistrate judge position at Gainesville from Level 5 ($21,833 per annum) to Level 2 ($54,582 per annum); and

2. Made no change in the number, locations, salaries, or arrangements of the other magistrate judge positions in the district.

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Southern District of Georgia

Made no change in the number, locations, or arrangements of the magistrate judge positions in the district.

COMMITTEE ACTIVITIES

The Committee reported that it discussed and provided its views on two issues concerning security and facilities. First, the Committee opposed a proposal by the United States Marshals Service to create dedicated arraignment rooms in federal courthouses because the Committee believes that any benefits realized by the rooms would come at a cost of judges' time and efficiency. The Committee also voted to recommend that the appropriate Judicial Conference committee endorse and recommend to the Conference a policy of providing one courtroom for each active full-time magistrate judge because such a policy is essential to the

effective functioning of magistrate judges. The Committee communicated these positions to the Committees on Security and Facilities and Court Administration and Case Management.

COMMITTEE TO REVIEW CIRCUIT COUNCIL CONDUCT AND DISABILITY ORDERS

COMMITTEE ACTIVITIES

The Committee to Review Circuit Council Conduct and Disability Orders reported that it has published, and will distribute to the courts, a pamphlet containing the current version of the Illustrative Rules Governing Complaints of Judicial Misconduct and Disability and related materials that may be useful to judges and court staff in implementing the complaint procedure established by 28 U.S.C. § 372(c).

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COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

FEDERAL RULES OF BANKRUPTCY PROCEDURE

The Committee on Rules of Practice and Procedure submitted to the Judicial Conference proposed revisions to Bankruptcy Rules 1007 (Lists, Schedules, and Statements; Time Limits), 2002 (Notices to Creditors, Equity Security Holders, United States, and United States Trustee), 3016 (Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases), 3017 (Court Consideration of Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases), 3020 (Deposit; Confirmation of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case), 9006 (Time), 9020 (Contempt Proceedings), and 9022 (Notice of Judgment or Order). The proposed amendments were accompanied by Committee Notes explaining their purpose and intent. The Conference approved the amendments and authorized their transmittal to the Supreme Court for its consideration with the recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law. In addition, the Committee submitted and the Conference approved proposed revisions to Official Form 7 (Statement of Financial Affairs).

FEDERAL RULES OF CIVIL PROCEDURE

The Committee on Rules of Practice and Procedure submitted to the Judicial Conference proposed amendments to Civil Rules 5 (Service and Filing of Pleadings and Other Papers), 6 (Time), 65 (Injunctions), 77 (District Courts and Clerks), 81 (Applicability in General), and 82 (Jurisdiction and Venue Unaffected). The Committee also submitted a proposal to abrogate the Copyright Rules of Practice because they do not conform to current copyright law or to modern concepts of due process. Technical changes necessitated by this abrogation are proposed to Rules 65 and 81. The proposed Civil Rules revisions were accompanied by Committee Notes explaining their purpose and intent. The Conference approved the amendments and the abrogation of the Copyright Rules and authorized their transmittal to the Supreme Court for its consideration with the recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

COMMITTEE ACTIVITIES

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The Committee on Rules of Practice and Procedure reported that it approved the recommendations of its advisory committees to publish for public comment proposed amendments to the Appellate, Bankruptcy, Civil, and Criminal Rules. The proposals include a comprehensive style revision of the Federal Rules of Criminal Procedure, which is part of an overall effort to clarify and simplify the procedural rules. Among other matters, the Committee considered a report on an ongoing study of national rules governing attorney conduct and the status of pending legislation directing the Judicial Conference to recommend such rules.

COMMITTEE ON SECURITY AND FACILITIES

JURY BOX SIZE

Prior to this Conference session, the *United States Courts Design Guide* required that district court jury boxes accommodate 18 jurors. The Judicial Conference approved a recommendation of the Committee on Security and Facilities that the jury box space standards be amended to accommodate only 12

jurors in magistrate judge courtrooms, 16 jurors in district courtrooms, and 18 jurors in special proceedings courtrooms or where otherwise required. These changes will allow most courtrooms to accommodate two-tier jury boxes and free space in the courtroom well for other uses, such as multiple-defendant trials and new technologies.

CYCLICAL MAINTENANCE FOR COURT FACILITIES

In the past, the General Services Administration (GSA) included the cost of cyclical maintenance, such as repainting and recarpeting, in the rent charged for agency space in federal buildings. Under new pricing policies, GSA will maintain only the public space of federal buildings occupied by the judiciary, and provide for building systems, such as heating and plumbing. On recommendation of the Committee on Security and Facilities, the Conference endorsed as a matter of policy a cyclical maintenance program for court-occupied space, subject to the availability of appropriated funds.

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COMMITTEE ACTIVITIES

The Committee on Security and Facilities reported that the consulting firm of Ernst & Young completed its comprehensive, nationwide study of the judiciary's space and facilities program and submitted its final report and recommendations in May 2000. The Committee discussed the process for reviewing the report, as well as issues raised in the report and in the President's fiscal year 2001 budget request related to courtroom sharing. The Committee also reported that Scientific Applications International Corporation had been awarded a 12-month contract to conduct a comprehensive study of the court security program that will focus on the physical security of court buildings and the protection of judges.

MAIL BALLOTS

The Judicial Conference conducted two mail ballots since its March 2000 session. In a mail ballot concluded on May 3, 2000, the Conference approved amendments to the Regulations of the Judicial Conference of the United States on Access to Financial Disclosure Reports Filed by Judges and Judiciary Employees

under the Ethics in Government Act of 1978, as Amended (*see supra*, "Financial Disclosure Reports," p. 39). In July 2000, the Judicial Conference approved, by mail ballot, a Judicial Resources Committee recommendation to amend the Conference's request to Congress for additional Article III judgeships (*see supra*, "Article III Judgeship Needs," pp. 58-59).

FUNDING

All of the foregoing recommendations that require the expenditure of funds for implementation were approved by the Judicial Conference subject to the availability of funds and to whatever priorities the Conference might establish for the use of available resources.

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Chief Justice of the United States
Presiding