

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

March 15, 2011

The Judicial Conference of the United States convened in Washington, D.C., on March 15, 2011, 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 Sandra L. Lynch
Chief Judge Mark L. Wolf,
District of Massachusetts

Second Circuit:

Chief Judge Dennis Jacobs
Judge Carol Bagley Amon,¹
Eastern District of New York

Third Circuit:

Chief Judge Theodore A. McKee
Chief Judge Harvey Bartle III,
Eastern District of Pennsylvania

Fourth Circuit:

Chief Judge William B. Traxler, Jr.
Chief Judge James P. Jones,
Western District of Virginia

¹Designated by the Chief Justice as a substitute for Chief Judge Raymond J. Dearie, who was unable to attend.

Fifth Circuit:

Chief Judge Edith Hollan Jones
Chief Judge Sarah Vance,
Eastern District of Louisiana

Sixth Circuit:

Chief Judge Alice M. Batchelder
Judge Thomas A. Varlan,
Eastern District of Tennessee

Seventh Circuit:

Chief Judge Frank H. Easterbrook
Chief Judge Richard L. Young,
Southern District of Indiana

Eighth Circuit:

Chief Judge William Jay Riley
Judge Rodney W. Sippel,
Eastern District of Missouri

Ninth Circuit:

Chief Judge Alex Kozinski
Chief Judge Robert S. Lasnik,
Western District of Washington

Tenth Circuit:

Chief Judge Mary Beck Briscoe
Judge Robin J. Cauthron,
Western District of Oklahoma

Eleventh Circuit:

Chief Judge Joel F. Dubina
Judge Myron H. Thompson,
Middle District of Alabama

District of Columbia Circuit:

Chief Judge David Bryan Sentelle
Chief Judge Royce C. Lamberth,
District of Columbia

Federal Circuit:

Chief Judge Randall R. Rader

Court of International Trade:

Chief Judge Donald C. Pogue

The following Judicial Conference committee chairs attended the Conference session: Circuit Judges Bobby R. Baldock, Julia Smith Gibbons, Michael S. Kanne, M. Margaret McKeown, Diarmuid F. O'Scannlain, Jeffrey S. Sutton, Richard C. Tallman, and John Walker, Jr.; District Judges Robert Holmes Bell, Rosemary M. Collyer, Joy Flowers Conti, Sidney A. Fitzwater, Janet C. Hall, D. Brock Hornby, David A. Katz, George H. King, Mark R. Kravitz, J. Frederick Motz, Michael A. Ponsor, Julie A. Robinson, Lee H. Rosenthal, and George Z. Singal; and Bankruptcy Judge Eugene R. Wedoff. Attending as the magistrate judge and bankruptcy judge observers, respectively, were Judge Anthony J. Battaglia² and Bankruptcy Judge Rosemary Gambardella. Cathy Catterson of the Ninth Circuit represented the circuit executives.

James C. Duff, Director of the Administrative Office of the United States Courts, attended the session of the Conference, as did Jill C. Sayenga, Deputy Director; William R. Burchill, Jr., Associate Director and General Counsel; Laura C. Minor, Assistant Director, and Wendy Jennis, Deputy Assistant Director, Judicial Conference Executive Secretariat; Cordia A. Strom, Assistant Director, Legislative Affairs; and David A. Sellers, Assistant Director, Public Affairs. District Judge Barbara Jacobs Rothstein and John S. Cooke, Director and Deputy Director of the Federal Judicial Center, and District Judge Patti B. Saris and Brent Newton, Chair and Deputy Staff Director of the United States Sentencing Commission, were in attendance at the session of the Conference, as was Jeffrey P. Minear, Counselor to the

²Judge Battaglia was confirmed as a district judge on March 7, 2011.

Chief Justice. The 2010-2011 Supreme Court Fellows also observed the Conference proceedings.

Deputy Attorney General James Cole addressed the Conference on matters of mutual interest to the judiciary and the Department of Justice. Senators Patrick J. Leahy, Charles E. Grassley, Amy Klobuchar, and Thad Cochran, and Representatives Lamar Smith, John Conyers, Jr., Howard Coble, Steve Cohen, and Harold Rogers, spoke on matters pending in Congress of interest to the Conference.

REPORTS

Mr. Duff reported to the Conference on the judicial business of the courts and on matters relating to the Administrative Office (AO). Judge Rothstein spoke to the Conference about Federal Judicial Center (FJC) programs, and Judge Saris reported on United States Sentencing Commission activities. Judge Julia Smith Gibbons, Chair of the Committee on the Budget, presented a report on the budget outlook.

ELECTION

The Judicial Conference elected to membership on the Board of the Federal Judicial Center for a term of four years Chief Judge James F. Holderman, Jr., of the District Court for the Northern District of Illinois and Chief Judge Kathryn H. Vratil of the District Court for the District of Kansas to succeed Judge David O. Carter of the District Court for the Central District of California and Judge Philip M. Pro of the District Court for the District of Nevada.

EXECUTIVE COMMITTEE

JUDICIARY STRATEGIC PLANNING

At its September 2010 session, on recommendation of the Executive Committee, the Judicial Conference approved the *Strategic Plan for the Federal Judiciary*, as well as the Committee's recommended approach to strategic planning (JCUS-SEP 10, pp. 5-6). That approach includes provision for designation by the Executive Committee chair of an Article III judge to

serve as judiciary planning coordinator. In late September 2010, Judge Charles R. Breyer was appointed for a two-year term as the long-range planning coordinator with responsibility for facilitating and coordinating the strategic planning efforts of the Judicial Conference and its committees. In early 2011, the Executive Committee identified four strategies and one goal from the *Strategic Plan* that will serve as judiciary-wide priorities for the next two years.

RESIDENCY REQUIREMENT FOR JUDGES OF THE FEDERAL CIRCUIT

A provision in pending patent reform legislation (S. 23, 112th Cong.) would repeal the current requirement set forth in 28 U.S.C. § 44(c) that active judges on the U.S. Court of Appeals for the Federal Circuit reside within fifty miles of the District of Columbia. Noting that the judges of the Federal Circuit, who believe that the residency requirement significantly enhances the court's decisional capabilities, unanimously favor retaining the requirement, the Court Administration and Case Management Committee recommended that the Conference oppose legislation that would repeal the residency requirement. Because the legislation was moving quickly through Congress, the Executive Committee acted on behalf of the Conference and approved the recommendation.

MISCELLANEOUS ACTIONS

The Executive Committee —

- Determined that the Administrative Office's Online System for Clerkship Application and Review (OSCAR) working group is the entity that should advise judges each year of the law clerk hiring dates;
- Reviewed the determinations of the other Conference committees as to whether the judiciary should pursue in the 112th Congress, or defer pursuit of, Conference-approved legislative proposals within those committees' jurisdictions;
- On recommendation of the Committee on the Administration of the Magistrate Judges System and on behalf of the Judicial Conference, approved one additional magistrate judge position for the District of Arizona at Phoenix and accelerated funding for that position, effective

immediately, and made no other changes affecting magistrate judge positions in that district;

- Approved adjustments to the judiciary’s fiscal year 2012 budget request;
- On recommendation of the Committee on Rules of Practice and Procedure and on behalf of the Conference, approved the *Second Report of the Judicial Conference of the United States on the Adequacy of Privacy Rules Prescribed Under the E-Government Act of 2002* for transmission to Congress;
- Delegated to the Director of the Administrative Office the authority to provide to Congress a list of district courts recommended by the Conference for additional judgeships, in order of weighted filings per judgeship, without further approval by the Committee, as the Director routinely provides such lists to Congress in the ordinary course of duties (*see also infra*, “Additional Judgeships for Courts with the Greatest Need,” p. 22); and
- On recommendation of the Committee on Court Administration and Case Management, approved new language to be added to the end of the District Court and Bankruptcy Court Miscellaneous Fee Schedules to enable courts to assess a charge for investment services when registry funds are invested directly by the judiciary’s Court Registry Investment System with the United States Treasury’s Bureau of Public Debt, to be assessed from interest earnings at a rate of 2.5 basis points.

COMMITTEE ON AUDITS AND ADMINISTRATIVE OFFICE ACCOUNTABILITY

COMMITTEE ACTIVITIES

The Committee on Audits and Administrative Office Accountability reported that it received detailed briefings from two of the judiciary’s independent audit firms regarding audits of the judiciary’s national contracts and national accounts and programs. The contract audit firm found that overall contract oversight is sufficient, and the financial audit firm rendered a positive “unqualified” opinion on all of the financial statements and found no instances of failure to comply with applicable laws, regulations, and contracts.

The Committee discussed at length an auditor recommendation regarding formal channels to allow employees to anonymously report fraud, waste, and abuse, and determined that it would be beneficial and appropriate to communicate to all employees the existence of current channels available within the judiciary for reporting such concerns.

COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM

BANKRUPTCY JUDGESHIPS

Additional Judgeships. The Judicial Conference conducts a biennial survey to evaluate requests for additional bankruptcy judgeships and transmits its recommendations to Congress, which establishes the number of bankruptcy judgeships in each judicial district (28 U.S.C. § 152(b)(2)). Based on the 2010 biennial survey of judgeship needs, and on recommendation of the Committee on the Administration of the Bankruptcy System, the Judicial Conference agreed to recommend to Congress the addition of 49 bankruptcy judgeships (48 permanent and one temporary), the conversion of 28 temporary judgeships to permanent status, and the extension of two temporary judgeships for an additional five years.

Criteria. In September 2010, the Judicial Conference codified the standard to be used in evaluating requests for conversion of temporary judgeships to permanent. At this session, on recommendation of the Committee, the Conference clarified that standard to expressly state that the 1,500 weighted filings per judgeship threshold is calculated assuming the loss of one judgeship. The standard was amended to read as follows:

Generally, it is expected that, in addition to other judicial duties, a bankruptcy district should have an annual weighted caseload of at least 1,500 per judgeship, when computed using currently authorized judgeships minus one, to justify converting an existing temporary judgeship to permanent status.

INTERCIRCUIT ASSIGNMENT GUIDELINES

In order to allow more flexibility and promote greater use of intercircuit assignments, the Committee recommended that the Guidelines for the Intercircuit Assignment of Bankruptcy Judges be revised so that (a) only the district, and not the whole circuit, that lends a bankruptcy judge to another circuit cannot borrow from another circuit during that period, and (b) a district, upon approval of the circuits involved, may seek to borrow a visiting judge from a geographically contiguous district in another circuit before attempting to meet its needs from within its own circuit if such assignment would be less expensive and more efficient. The Committee also recommended several technical changes to update and clarify the regulations. The Conference approved the proposed changes.

PLACE OF HOLDING COURT

On recommendation of the Bankruptcy Committee, and in accordance with 28 U.S.C. § 152(b)(1), the Judicial Conference approved a request from the Tenth Circuit Judicial Council and the District of Utah to authorize the designation of St. George as an additional place of holding bankruptcy court in the District of Utah.

COMMITTEE ACTIVITIES

The Committee on the Administration of the Bankruptcy System reported that it provided the Budget Committee with its views on adjusting the budget cap on the judiciary's Salaries and Expenses account (*see infra*, "Salaries and Expenses Account Budget Cap," p. 9). In addition, the Committee informed the Committee on Court Administration and Case Management that it endorsed the concept of truncating debtors' full Social Security numbers on the notice of meeting of creditors. The Committee also advised the Federal-State Jurisdiction Committee that it declined to endorse a legislative proposal to include bankruptcy judges among those Ninth Circuit federal judges permitted to serve on courts of the freely associated compact states (*see infra*, "Federal Judicial Service on Courts of the Freely Associated Compact States," pp. 14-15).

COMMITTEE ON THE BUDGET

SALARIES AND EXPENSES ACCOUNT BUDGET CAP

In March 2007, the Judicial Conference set an overall cap on annual increases in the Salaries and Expenses account for fiscal years 2009 through 2017 at an average of 8.2 percent over prior-year appropriations (JCUS-MAR 07, p. 10). At this session, after receiving input from the program committees, the Budget Committee recommended that the Conference lower the budget cap from 8.2 percent to 5.2 percent as a cost-control measure and to demonstrate to Congress that the judiciary is committed to continuing to contain growth in its requirements. The Conference agreed to the 5.2 percent cap for the Salaries and Expenses account for fiscal years 2013 through 2017.

COMMITTEE ACTIVITIES

The Committee on the Budget reported that it continues to be concerned about the long-term financial health of the judiciary in this period of fiscal austerity. The Committee is committed to a renewed focus on cost containment, including identifying several multi-jurisdictional issues that it plans to discuss with program committees that could lessen the gap between the judiciary's estimated budget requirements and the assumed funding levels for the foreseeable future. Noting the importance of the judiciary's two-pronged approach of cost containment and congressional outreach, the Committee emphasized that the judiciary remains committed to seeking only the funding that is absolutely necessary to perform its judicial responsibilities.

COMMITTEE ON CODES OF CONDUCT

COMMITTEE ACTIVITIES

The Committee on Codes of Conduct reported that since its last report to the Judicial Conference in September 2010, the Committee received 29 new written inquiries and issued 28 written advisory responses. During this period, the average response time for requests was 16 days. In addition, the Committee chair responded to 205 informal inquiries, individual Committee members responded to 123 informal inquiries, and Committee counsel responded to 336 informal inquiries.

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

RECORDS DISPOSITION SCHEDULES

Criminal case files. The Committee on Court Administration and Case Management recommended that the Judicial Conference adopt a revised district court records disposition schedule for criminal case files that closely tracks the changes in the schedule for civil cases adopted by the Conference in September 2010 (JCUS-SEP 10, p. 14). Among other things, the new schedule adds cases related to treason and national security to the list of cases designated as permanent. It also reduces from 25 to 15 years after closure the time that criminal case files remain at Federal Records Centers (FRCs) before they are destroyed or sent to the National Archives and Records Administration (NARA), thereby reducing the storage fees the judiciary pays to NARA. The Conference adopted the Committee's recommendation.

Bankruptcy case files. On recommendation of the Committee, the Conference also revised the bankruptcy court records disposition schedule. The new schedule designates additional types of cases as permanent, including 25 percent of the case files closed in nine judicial districts, the districts to be selected each year on a rotational basis. The intent of this provision is to retain a national sampling of bankruptcy cases in every decade. The new schedule also reduces from 25 to 15 years the minimum time cases must be retained after closure.

SCANNING PAPER CASE FILES INTO CM/ECF

Closed paper case files. When older paper case files that have been transferred to a Federal Records Center are requested for review at a court, the court often scans the documents into the case management/electronic case files (CM/ECF) system and then destroys the paper records, rather than return them to the FRC. However, since many of these documents were filed prior to the adoption of the judiciary's privacy policies and rules, they may contain personal identifiers that compromise the privacy of the parties. To address this concern, on recommendation of the Committee, the Conference endorsed the practice of scanning into CM/ECF older paper files stored at FRCs when they are requested for viewing, but agreed to require that courts restrict remote public access to those files and allow public access only at the clerk's office public terminal or counter.

Open fugitive criminal case files. Fugitive criminal case files contain information that is normally restricted from remote public access. Noting that the CM/ECF system has seven levels of access ranging from public availability to completely sealed, the Committee recommended that the Conference endorse the scanning of open fugitive criminal case files into CM/ECF under the appropriate restriction levels. This would allow courts to destroy the paper copies and manage the cases electronically while at the same time protecting sensitive information. The Conference adopted the Committee's recommendation.

Sealed case files. In March 2007, the Judicial Conference endorsed a sealing functionality in the CM/ECF system and encouraged courts to manage electronically all cases and documents under seal (JCUS-MAR 07, p. 12). At this session, noting that several courts' vaults for sealed records have exceeded capacity, the Committee recommended that the Conference endorse the scanning into CM/ECF, under the appropriate restriction level, of sealed paper case files and documents stored at the court. The Conference adopted the Committee's recommendation.

ELECTRONIC PUBLIC ACCESS FEE EXEMPTION

The Electronic Public Access (EPA) Fee Schedule provides for exemptions for persons or classes of persons, including individual researchers associated with educational institutions, upon a showing that an exemption is necessary to avoid unreasonable burdens and to promote public access to information. However, any user granted an exemption must agree not to sell the data for profit and not to transfer data unless expressly authorized by the court. Despite these restrictions, researchers associated with educational institutions are increasingly redistributing court information through internet-based databases, without express court permission, and in some instances may stand to gain financially from such redistribution. Therefore, the Committee recommended, and the Conference approved, a modification of the EPA fee schedule to include the following sentence: "For individual researchers, courts must also find that the defined research project is intended for academic research purposes, and not for commercial purposes or internet redistribution."

OPINION PILOT PROJECT

In March 2010, the Judicial Conference approved a pilot project with the Government Printing Office (GPO), involving no more than 12 courts, to

provide public access to court opinions through GPO's Federal Digital System (FDsys), which is an advanced, internet-based digital system that allows searches across opinions and across courts (JCUS-MAR 10, p. 9). At this session, the Conference adopted a recommendation of the Committee to expand the pilot program to include up to 30 additional courts, to ensure that sufficient data is collected to evaluate the program.

COMMITTEE ACTIVITIES

The Committee on Court Administration and Case Management reported that it identified key issues to be included in the final guidelines for the cameras-in-the-courtroom pilot project, and established parameters for the FJC's study of the pilot. The Committee reviewed a draft of the FJC's bankruptcy courtroom use study. It also reviewed policy recommendations of its CM/ECF subcommittee and continued to provide oversight in the development of the Next Generation CM/ECF software. In addition, the Committee reconstituted its privacy subcommittee to consider the use of a debtor's full Social Security number in certain bankruptcy pleadings and the recommendations contained in two Rules Committee reports relating to sealing documents and the privacy rules. A recommendation of the Committee to the Judicial Conference on senior judge participation in en banc panels was withdrawn for further consideration.

COMMITTEE ON CRIMINAL LAW

FEDERAL SUPERVISION OF SEX OFFENDERS

On recommendation of the Committee on Criminal Law, the Judicial Conference approved a new policy governing probation and pretrial services officers' management of sex offenders. The new policy is intended to give probation and pretrial services officers a broad overview of sex offender management principles.

COMMITTEE ACTIVITIES

The Committee on Criminal Law reported that it discussed a proposed work measurement formula for probation and pretrial services offices, along with a proposed case weighting supplement, and provided input to the

Committee on Judicial Resources (*see infra*, “Staffing Formulas,” p. 26). In addition, the Committee endorsed a proposal to create a secure interconnection between the judiciary and Department of Justice so that select data elements related to the work of probation and pretrial services officers could be exchanged. This proposal was forwarded to the Committee on Information Technology for its consideration.

COMMITTEE ON DEFENDER SERVICES

CASE-BUDGETING ATTORNEYS

In September 2005, the Judicial Conference approved a pilot project for the Defender Services account to fund a position in up to three circuits to support the case-budgeting process (JCUS-SEP 05, p. 21). An FJC study of the pilot project concluded that the program contained costs and did not diminish (and even improved) the quality of representation and that the savings achieved by the program were greater than the costs. At this session, on recommendation of the Committee, the Conference agreed to approve the utilization of circuit Criminal Justice Act (CJA) case-budgeting attorney positions, the continued funding for the three current case-budgeting attorneys, and expansion in the number of positions. The Conference further agreed that the case-budgeting attorney positions will be structured as circuit unit employees that are funded by the Defender Services account and will operate pursuant to a Memorandum of Understanding that will include an advisory role for the Administrative Office in the appointment, management, and oversight of the position, with the understanding that the circuit has the ultimate authority in the selection, retention, and management of the position. Expansion of the number of case-budgeting attorneys will occur incrementally, subject to the Committee’s approval and the availability of funding.

CLEMENCY REPRESENTATION

Criminal Justice Act panel attorneys, as well as federal defender organizations, provide representation with Defender Services funding in state clemency proceedings. To foster uniformity in practices related to the appointment and compensation of counsel for CJA representation in such proceedings, the Committee recommended, and the Judicial Conference

approved, policy guidance on this issue, to be included in the CJA guidelines, *Guide to Judiciary Policy (Guide)*, Vol. 7A, § 680.

COMMITTEE ACTIVITIES

The Committee on Defender Services reported that it received a detailed report on the recently completed federal defender organization (FDO) case weighting study and approved a process for calculating budgets for fiscal year 2012 that is based on weighted cases opened during a 12-month period. Citing the austere fiscal circumstances predicted for the judiciary, the Committee deferred authorization of several proposals for achieving parity between compensation offered by FDOs and that offered by U.S. attorneys' offices, although it noted its continuing support for the Judicial Conference policy regarding such parity.

COMMITTEE ON FEDERAL-STATE JURISDICTION

FEDERAL JUDICIAL SERVICE ON COURTS OF THE FREELY ASSOCIATED COMPACT STATES

Section 297 of title 28, United States Code, authorizes the Chief Justice or the chief judge of the Ninth Circuit to assign a circuit or district judge of that circuit, with the consent of the judge, to serve temporarily as a judge of any duly constituted court of the freely associated compact states (the Republic of the Marshall Islands, the Republic of Palau, and the Federated States of Micronesia), if so requested by the compact state. The Marshall Islands has proposed an amendment to this statute to also permit non-Article III judges to provide such service, which proposal the Ninth Circuit Judicial Council and its Pacific Islands Committee support. After consulting the Committee on the Administration of the Bankruptcy System and the Committee on the Administration of the Magistrate Judges System, the Committee on Federal-State Jurisdiction recommended that the Judicial Conference support an amendment to 28 U.S.C. § 297 to specify that, in addition to circuit and district judges, magistrate judges and territorial judges

may be assigned temporarily to provide service to the freely associated compact states.³ The Conference approved the recommendation.

FELA AND JONES ACT CASES

In September 1990, and again in September 1995 as part of the *Long Range Plan for the Federal Courts*, the Judicial Conference endorsed repeal of the Federal Employers' Liability Act (FELA), which provides injured railroad employees with a cause of action against their employers for negligence, and the Jones Act, which provides a similar remedy for seamen (JCUS-SEP 90, p. 82; JCUS-SEP 95, p. 43). Implementation Strategy 12a of the *Long Range Plan* notes that states have proven effective in resolving worker compensation disputes in other industries and occupations and that federal jurisdiction was therefore not warranted in FELA and Jones Act cases. However, as indicated by the Committee, this position is likely to meet with opposition in Congress and has not been pursued in Congress in over 15 years. In addition, FELA and Jones Act cases make up a very small part of the federal docket. Therefore, the Committee recommended that the Conference rescind its position in support of repeal. The Conference approved the recommendation.

COMMITTEE ACTIVITIES

The Committee on Federal-State Jurisdiction reported that it discussed the questions raised by interested stakeholders regarding implementation of the Hague Convention on Choice of Court Agreements. In particular, the Committee addressed concerns raised regarding that part of the Judicial Conference position that would oppose the creation of federal question jurisdiction to recognize judgments of foreign courts if such jurisdiction was based solely on the action arising under the Convention. Members also discussed the likely impact on the federal judiciary of provisions in proposed comprehensive immigration reform legislation. In addition, the Committee reviewed legislation that would establish special procedures for expeditiously resolving lawsuits filed against individuals who are seeking to assert their

³The Bankruptcy Committee declined to support inclusion of bankruptcy judges in the statute because of the dire need for additional bankruptcy judges. The Magistrate Judges Committee endorsed the proposal.

First Amendment rights of freedom of speech and right to petition for redress of grievances.

COMMITTEE ON FINANCIAL DISCLOSURE

COMMITTEE ACTIVITIES

The Committee on Financial Disclosure reported that as of December 31, 2010, the Committee had received 4,517 financial disclosure reports and certifications for calendar year 2009, including 1,355 reports and certifications from Supreme Court justices, Article III judges, and judicial officers of special courts; 389 reports from bankruptcy judges; 621 reports from magistrate judges; and 2,152 reports from judicial employees. The Committee adopted a modified version of the CM/ECF system as a vehicle for electronic filing because this approach would provide the greatest measure of security and control over development, and it would be the most fiscally responsible approach for both short- and long-term use. The Committee continues to work to extend the December 31, 2011 sunset of the judiciary's authority to redact information from financial disclosure reports when releasing such information could endanger a judge or judicial employee.

COMMITTEE ON INFORMATION TECHNOLOGY

COMMITTEE ACTIVITIES

The Committee on Information Technology reported that it endorsed a set of best security practices for new technologies and encourages courts to follow them; agreed to encourage courts to implement the nationally supported solutions to a security vulnerability in the Public Access to Court Electronic Records (PACER) system; and endorsed guidance for the acquisition by courts of iPhones and iPads. In light of the austere budget climate, the Committee also determined that funding for new grants under the Edwin L. Nelson Local Initiatives program would be suspended for the next two years. The Committee discussed a number of ongoing information technology initiatives, including new services for the courts that both strengthen the judiciary's information technology program and promote cost containment, the next generation network and national telephone service, and the next generation case management system.

COMMITTEE ON INTERCIRCUIT ASSIGNMENTS

COMMITTEE ACTIVITIES

The Committee on Intercircuit Assignments reported that 88 intercircuit assignments were undertaken by 71 Article III judges from July 1, 2010 to December 31, 2010, bringing the total for the full calendar year 2010 to 197 intercircuit assignments that were processed by the Committee and approved by the Chief Justice. The Committee also reported that a modernized version of the Intercircuit Assignments Database System was implemented to provide electronic routing of documents and to expand user access to include chief judges, circuit executives, and courts of appeals clerks. In addition, the Committee continued to disseminate information about intercircuit assignments and aided courts requesting assistance by identifying and obtaining judges willing to take assignments.

COMMITTEE ON INTERNATIONAL JUDICIAL RELATIONS

COMMITTEE ACTIVITIES

The Committee on International Judicial Relations reported on its involvement in rule of law and judicial reform throughout the world, highlighting activities in Africa, Asia and the Pacific Basin, Latin America and the Caribbean, the Middle East, Europe, and Eurasia. The Committee further reported on its continued participation in the rule of law component of the Library of Congress' Open World Program for jurists from Russia, Ukraine, Georgia, Kazakhstan, Kyrgyzstan, and Moldova, and international rule of law work by U.S. federal defenders and court administrators. In addition, the Committee reported about rule of law activities involving the Federal Judicial Center and several executive branch agencies. The Committee also reported on briefings at the Administrative Office for delegations of foreign jurists and judicial personnel.

COMMITTEE ON THE JUDICIAL BRANCH

CREDIT FOR SERVICE AS A NON-ARTICLE III JUDGE

The Judicial Conference has previously endorsed seeking legislation that would establish Article III status for the territorial district courts of the Northern Mariana Islands and Guam (JCUS-SEP 03, p. 8; JCUS-SEP 94, p. 51; JCUS-MAR 94, p. 19). On recommendation of the Committee, the Conference, at this session, agreed that if the Conference pursues such legislation, it should also seek legislation to provide that in the event the incumbent judges of those courts are confirmed as Article III judges, their service as judges in their respective territorial district courts would be included in computing, under sections 371 and 372 of Title 28, United States Code, their aggregate years of judicial service. In 1964, the Conference supported similar legislation with regard to service of a judge on the District Court of the Territory of Alaska, who was subsequently confirmed as an Article III judge when Alaska attained statehood (JCUS-SEP 64, pp. 61-62).

JUDICIAL WELLNESS

On recommendation of the Committee on the Judicial Branch, the Judicial Conference agreed to request and encourage circuit judicial councils to consider establishing “judicial wellness” committees that would be charged with accomplishing objectives substantially similar to the following:

- (a) promoting health and wellness among judges by creating programs (educational or otherwise), policies, and/or practices that provide a supportive environment for the maintenance and restoration of health and wellness; and
- (b) providing information to judges on judicial retirement issues, including disability retirement.

NONFOREIGN COST-OF-LIVING ALLOWANCES

In 1979, the Judicial Conference endorsed the position that, as a matter of equity, officers and employees in the judicial branch should receive the same cost-of-living allowances (COLAs) provided in the executive branch for officers and employees serving outside the continental United States or in Alaska (JCUS-SEP 79, p. 73). Judiciary employees have been receiving these COLAs, called “nonforeign” COLAs, but legislation was needed to authorize such payments to judges. Obtaining such legislation was therefore placed on

the judiciary's legislative agenda. However, under the Defense Authorization Act of 2010, Public Law No. 111-86, nonforeign COLAs are being phased out and replaced with locality-based comparability payments. Consequently, the Committee determined that the Conference's 1979 position endorsing the payment of cost-of-living allowances to federal judges serving outside the continental United States or in Alaska (nonforeign COLAs) is no longer relevant and should be rescinded. The Conference adopted the Committee's recommendation.

TRAVEL REGULATIONS FOR JUSTICES AND JUDGES

Alternative Allowance. On recommendation of the Judicial Branch Committee, the Judicial Conference amended section 250.30.40 of the Travel Regulations for United States Justices and Judges (*Guide*, Vol. 19, Ch. 2) to clarify that for overnight travel, in lieu of claiming a per diem allowance for the locality where temporary duty is performed, a judge may claim the cost of lodging plus the maximum General Services Administration (GSA) per diem allowance for meals and incidental expenses, currently \$71, provided that the sum total does not exceed 150 percent of the authorized per diem allowance. This change is intended to distinguish the overnight travel allowance for meals and incidental expenses from that for same-day travel, which is the relevant locality GSA allowance, currently ranging from \$46 to \$71.

Government/Third Party-Provided Lodging and/or Meals. The Committee recommended that the Conference approve an amendment to section 250.40.20 of the Travel Regulations for United States Justices and Judges (*Guide*, Vol. 19, Ch. 2) to clarify that when the government or a third party pays directly for a judge's lodging and/or meals, the judge should take an appropriate reduction in the judges' subsistence/per diem allowance. The Conference adopted the Committee's recommendation.

Reimbursement of Travel Attendants. Currently travel attendants who accompany judges with special needs so that they can perform official business are limited to reimbursement for lodging and meals at the GSA locality per diem rate, which is not always sufficient to cover their actual expenses of subsistence. The Judiciary Staff Travel Regulations (*Guide*, Vol. 19, Ch. 4) allow travel attendants to claim actual expenses. On recommendation of the Committee, the Conference agreed to amend section 240.10 of the Travel Regulations for United States Justices and Judges (*Guide*, Vol. 19, Ch. 2) to authorize reimbursement of judges' travel attendants on an

actual expense basis (in lieu of a per diem allowance), consistent with the provisions of section 420.30.40 of the Judiciary Staff Travel Regulations.

COMMITTEE ACTIVITIES

The Committee on the Judicial Branch reported that it continues to consider ways to inform the other branches of the federal government, news media, members of the bar, and citizens in general, of the role of the federal judiciary and to bring to their attention the needs of judges and courts, as well as the problems judges face in discharging their duties. The Committee also reported on problems and developments related to compensation and benefits of federal judges.

COMMITTEE ON JUDICIAL CONDUCT AND DISABILITY

COMMITTEE ACTIVITIES

The Committee on Judicial Conduct and Disability reported that as of January 25, 2011, it had no pending petitions for review of circuit judicial council orders on complaints under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364. The Committee and its staff have continued to address courts' inquiries regarding the Act and the Conference's Rules for Judicial-Conduct and Judicial-Disability Proceedings, and to develop processes and informational resources to support the Committee's monitoring function.

COMMITTEE ON JUDICIAL RESOURCES

ARTICLE III JUDGESHIPS

Additional Judgeships. The Committee on Judicial Resources considered requests and justifications for additional judgeships in the courts of appeals and the district courts as part of its 2011 biennial judgeship survey process. Based on its review, and after considering the views of the courts and the circuit judicial councils, the Committee recommended that the Judicial Conference authorize transmittal to Congress of the following request: for the courts of appeals, the addition of eight permanent judgeships and one temporary judgeship, and for the district courts, the addition of 53 permanent

and 18 temporary judgeships, plus the conversion to permanent status of eight existing temporary judgeships. The Conference adopted the Committee's recommendations, agreeing to transmit the following request to Congress ("P" denotes permanent; "T" denotes temporary; "T/P" denotes conversion of temporary to permanent):

Courts of Appeals

Second Circuit	2P
Third Circuit	1P
Sixth Circuit	1P
Ninth Circuit	4P, 1T

District Courts

New York (Eastern)	2P
New York (Southern)	1P, 1T
New York (Western)	1P, 1T
New Jersey	1P
Pennsylvania (Middle)	1T
Virginia (Eastern)	1T
Texas (Eastern)	1P, 1 T/P
Texas (Southern)	4P
Texas (Western)	4P, 1T
Indiana (Southern)	1P
Minnesota	1P, 1T
Missouri (Eastern)	1T/P
Missouri (Western)	1T
Nebraska	1T
Arizona	4P, 1T, 1T/P
California (Northern)	4P, 1T
California (Eastern)	6P, 1T
California (Central)	8P, 1T, 1T/P
California (Southern)	2P, 1T
Idaho	1P
Nevada	1P, 1T
Oregon	1T
Washington (Western)	1P
Colorado	1P, 1T
Kansas*	1T/P
New Mexico	1P, 1T, 1T/P
Alabama (Northern)	1T/P

Florida (Middle)	5P, 1T
Florida (Southern)	3P, 1T/P

* If the temporary judgeship lapses, the Judicial Conference's recommendation would be amended to one additional permanent judgeship.

Judgeship Vacancies. As part of the biennial survey of judgeship needs, workloads in district and appellate courts with low-weighted caseloads are reviewed for the purpose of determining whether to recommend to the President and Senate that an existing or future judgeship vacancy not be filled. On recommendation of the Committee, the Conference agreed to recommend to the President and the Senate that the next judgeship vacancy in the District of Massachusetts not be filled, based on the three-year low-weighted caseload in that district.

Additional Judgeships for Courts with the Greatest Need. Noting that the judiciary's ability to handle its workload effectively and expeditiously is dependent upon having an appropriate number of Article III judges, and that Congress has not passed nationwide judgeship legislation since 1990, the Committee recommended that the Judicial Conference authorize the Director of the Administrative Office to focus Congress' attention on those courts determined to have the greatest need based on specific parameters. On recommendation of the Committee, by mail ballot concluded on January 24, 2011, the Conference agreed that the Director, subject to the approval of the Executive Committee, may (a) pursue separate legislation for Conference-approved additional judgeships for district courts that have 700 or more weighted filings per authorized judgeship, averaged over a three-year period, and that are utilizing all available judicial resources and procedures; and (b) provide to Congress a list of the district courts recommended by the Conference for additional judgeships, in order of weighted filings per judgeship (*see also supra*, "Miscellaneous Actions," pp. 5-6).

Filling Vacancies in Courts with the Greatest Need. Prolonged judgeship vacancies place significant burdens on the courts by increasing the workloads of those judges available for duty and diminishing the courts' ability to discharge their responsibilities. This problem is particularly acute in districts with extraordinarily high caseloads. Accordingly, on recommendation of the Committee, by mail ballot concluded on January 24, 2011, the Judicial Conference agreed that the Director of the Administrative Office, subject to the approval of the Executive Committee, may encourage the President and the Senate to fill judgeship vacancies on a priority basis in

specific district courts that are using all available judicial resources and procedures and that have either (a) more than one authorized judgeship and only one on-board active judge; or (b) a judicial vacancy pending 18 months or longer and 700 or more weighted filings per active judge (authorized judgeships minus judge vacancies), using statistics for the last fiscal year.

COURT LAW CLERK POSITIONS

In response to a request from the Eastern District of California for additional law clerks to help the court manage an exceptionally high workload, the Committee on Judicial Resources recommended that the Judicial Conference establish a new court law clerk position in the Judiciary Salary Plan (JSP). These law clerks would be on court rather than chambers staff so that they could assist the entire court with its workload. The effectiveness of the new position in facilitating case resolution in high-workload courts would be assessed at the end of a three-year test period to determine if the position should be retained. Courts selected to participate in this test phase would have to meet the following three criteria evidencing high workload: the court must (a) have greater than 300 case filings per elbow law clerk (assuming two elbow law clerks per chambers), (b) appear on the list of courts recommended for additional judgeships, and (c) appear on the “most congested courts” list. Only two courts, the Eastern District of California and the Western District of New York, meet these three criteria and would therefore be eligible for positions under this test program. Based on the Committee’s recommendation, the Conference agreed to —

- a. Establish a “court law clerk” position in the JSP using a specified qualifications standard. Each position requires Conference authorization, and each appointment will not exceed JSP-13, step 1, and is temporary, not to exceed three years on court staff rolls;
- b. Allocate ten court law clerk positions to the Eastern District of California and one court law clerk position to the Western District of New York based on the criteria set forth above, for a test period of three years; and
- c. Request the Administrative Office to devise a set of statistical criteria by which to evaluate at the end of three years whether the addition of the court law clerks enabled more expeditious case resolution in the Eastern District of California and the Western District of New York.

TERM LAW CLERKS

In September 2007, the Judicial Conference adopted a policy that stated that no individual will be permitted to serve in the judiciary for more than four years in a term law clerk capacity (JCUS-SEP 07, p. 26). The limitation was intended to continue the traditional practice of appointing recent law school graduates as law clerks, reduce disparity in costs from one chambers to another, promote diversity, and allow more young lawyers to experience service in the federal judiciary. A question has since been raised about whether a court could extend a term law clerk's tenure by switching the law clerk with a career law clerk for up to an additional four years, after which the original career law clerk would resume the career law clerk position and the original term law clerk would be terminated. On recommendation of the Committee, the Conference affirmed that under the September 2007 policy limiting the tenure of term law clerks to four years, courts are not permitted to switch term law clerks with career law clerks or with incumbents of other attorney positions.

TEMPORARY AND TERM EMPLOYEES

Temporary and term appointments in the judiciary fall into three broad categories, temporary appointments of limited duration, temporary appointments of indefinite duration, and term appointments (currently limited to two positions, elbow law clerks and staff attorneys). Each type of position carries different benefits, ranging from full to no benefits. In September 2007, the Judicial Conference approved a four-year limit on judiciary service for term law clerks (JCUS-SEP 07, p. 26). Subsequently, the Administrative Office undertook a review of all temporary and term positions in the courts and federal public defender organizations, noting that there is no national policy in the judiciary on the use of temporary appointments. Based on this review and after receiving input from the AO's Human Resources Advisory Council, the Committee recommended that the Conference take the following actions with regard to temporary and term appointments in courts and federal public defender organizations:

- a. Limit temporary appointments prospectively to two categories:
(1) one year or less; and (2) at least one year and one day;

- b. Limit to four years all temporary and term appointments, including those for temporary bankruptcy law clerks, temporary law clerks funded by the Temporary Emergency Fund, and term staff attorneys;
- c. Provide that extensions would be allowed to temporary or term appointments so long as the total period of service in that position does not exceed a maximum duration of four years; and
- d. Exclude from these requirements (i) positions that have statutory appointment limitations, e.g., federal public defenders; (ii) land commissioners due to the infrequent, intermittent nature of the work; and (iii) positions that have Conference policy appointment limitations, such as term law clerks; certain re-employed annuitants; temporary medical, maternity, and extended military leave replacements in chambers; and chambers staff temporarily retained after separation of a judge.

In addition, the Committee recommended that the Conference eliminate the temporary indefinite appointment type, converting all such appointments to temporary appointments not to exceed four years from the date of Conference approval of this action and, where appropriate, allow courts and federal public defender organizations to designate such positions as permanent. The Conference adopted the Committee's recommendations.

PRINCIPAL SECRETARY TO A CHIEF CIRCUIT JUDGE

A principal secretary to a chief circuit judge may be temporarily promoted from JSP-11 to JSP-12 if he or she has one year of service as a secretary to a circuit judge and upon a showing of exceptional circuit-wide duties and responsibilities. The temporary promotion becomes permanent after two years (JCUS-SEP 98, p. 80). The same qualification standards apply to the principal secretary to the chief judge of the Court of International Trade (JCUS-SEP 04, p. 24). On recommendation of the Committee, the Judicial Conference clarified its September 1998 policy to state that (a) the JSP grade 12 may only be "carried" from the position of principal secretary to a chief circuit judge to the position of secretary to a federal judge in the chambers of that same chief circuit judge upon that judge stepping down from the chief judge position; and (b) the assistant or additional secretaries in chambers may not be switched with the principal secretary to attain JSP-12 once the principal secretary acquires permanent JSP-12 status. This would not preclude a chief circuit judge from appointing an assistant or additional secretary to the

principal secretary position if the principal secretary has separated from the chief circuit judge's chambers. The policy was also amended to expressly incorporate the principal secretary to the chief judge of the Court of International Trade.

STAFFING FORMULAS

Probation and Pretrial Services Offices. Based on a work measurement study conducted by the Administrative Office, the Committee recommended, and the Judicial Conference approved, a staffing formula for probation and pretrial services offices for implementation beginning in fiscal year 2012, as well as a case-weighting supplement to the staffing formula, to determine future staffing requirements in probation and pretrial services offices. The case-weighting supplement will allow staff allocation to reflect local variations in the supervised population with regard to risk level and criminogenic needs. This is the first systematic adjustment to the probation and pretrial services offices staffing formula since 2004.

Court of Federal Claims Clerk's Office. The Committee recommended, and the Judicial Conference approved, a staffing formula for the clerk's office of the United States Court of Federal Claims for implementation beginning in fiscal year 2012, based on an AO work measurement study. This is the first staffing formula for this court.

ALTERNATIVE DISPUTE RESOLUTION

In March 1998, the Judicial Conference approved "basic" and "robust" staffing factors for district clerk's office positions performing duties related to alternative dispute resolution (ADR) (JCUS-MAR 98, pp. 20-21). The basic staffing factor was intended to apply to most district courts' ADR programs, while the robust factor was intended for a limited number of district courts with extensive ADR programs. A request from the Western District of New York for application of the robust staffing factor was initially denied by the Committee in December 2009, but subsequently the Committee agreed to study the criteria used to apply the staffing factors and deferred further action on the district's request pending the study's completion. The district sought reconsideration of the deferral. At this session, the Committee reported that the study will take longer than expected and that the Western District of New York, as well as the District of Idaho (which had also recently requested application of the robust factor and had workload and ADR requirements

comparable to those of the Western District of New York), were on the “most congested courts” list and the list of courts requiring additional judgeships due to extremely high workload. Therefore, the Committee decided to recommend approval of the robust staffing factor for two years for these two districts pending completion of the ADR work measurement study and a working group’s analysis and suggestions. The Conference approved the Committee’s recommendation.

COURT PERSONNEL SYSTEM PAY BAND FOR STUDENT TRAINEES

Currently, the minimum classification level within the Court Personnel System (CPS) at which an individual may be appointed requires a high school diploma or equivalent. In order to provide circuit and court units with the ability to employ students in CPS positions on a temporary basis, during vacation periods, or on a part-time basis during school, the Committee recommended, and the Conference approved, the following:

- a. That a pay band be established in the Court Personnel System for student trainees who are employed on a temporary basis during vacation periods or on a part-time basis while in school;
- b. That the qualification requirements for entry to the pay band be the conditions identified in the minimum age requirement for high school students, as outlined in the *Guide to Judiciary Policy*, Vol. 12, Ch. 5, § 520.30.20(c), Employment, High School Student;
- c. That an individual may be appointed into an ungraded Court Personnel System student trainee position at a base salary anywhere from a rate equivalent to the federal minimum wage rate up to a rate equal to that of a classification level (CL)-21, step 1; and
- d. That the appointing officer have the discretionary authority to adjust pay within the band.

REALTIME TRANSCRIPT FEES

To address the disparity in costs for realtime transcript services charged to the first ordering party (\$3.05 per page) compared to that charged to subsequent parties (\$1.20 per page), the Committee recommended that the

Judicial Conference amend the maximum fees for realtime services so that all parties to a case who receive a realtime feed pay the same amount for the services that are received. The Committee recommended that the fees be based on the number of feeds provided by a certified realtime court reporter as follows:

- One feed, the ordering party pays \$3.05 per page;
- Two to four feeds, each party receiving a feed pays \$2.10 per page;
- Five or more feeds, each party receiving a feed pays \$1.50 per page.

The Conference approved the Committee's recommendation.

COMMITTEE ACTIVITIES

The Committee on Judicial Resources reported that it asked the Administrative Office to conduct a review of the amount, distribution, and use of the Temporary Emergency Fund, which provides funding for judges to hire additional chambers staff to assist with temporary work emergencies, and to provide an analysis and options to the Committee at its December 2011 meeting. The Committee approved a proposed schedule for work measurement studies in the courts and procedural steps for conducting the studies to maintain staffing formula currency. The Committee also asked the Administrative Office to conduct a work measurement study to measure all pro se law clerk work associated with prisoner, non-prisoner pro se, and social security cases, and to freeze the pro se law clerk allocation at current levels, pending the results of the study. The Committee received an update on efforts to increase diversity in the judiciary's workforce, including through forming partnerships with external organizations, such as the Just the Beginning Foundation.

COMMITTEE ON JUDICIAL SECURITY

INTERNET SECURITY

Based on recommendations from an Administrative Office working group whose mission was to develop strategies to mitigate the misuse of judges' names as domain names on the internet, as well as to address other

internet threats to judges, the Committee recommended that the Conference take the following actions:

- a. Endorse the Seventh Circuit librarian's program, procedure and protocol as a national model program wherein circuit librarians would monitor traditional media and the internet, including blogs and accessible social media sites for mentions of federal judges (circuit, district, magistrate, and bankruptcy) from their circuits, including threats and/or inappropriate communications, and urge circuit librarians, judges, and circuit judicial councils to consider adopting and implementing the model program locally. Under this program —
 - (1) Librarians and others who locate a threat or inappropriate communication should forward it immediately to the judge and the local U.S. Marshals Service (USMS) district office;
 - (2) Judges may choose not to participate, or may prefer to have chambers staff conduct the searches; and
 - (3) The librarians' role is one of data gathering only and the primary responsibility for threat response, evaluation, and investigation remains with the USMS;
- b. With regard to domain name issues, encourage judges to consult with their librarians if the judges want routine searches performed to determine if their names have been registered as domain names. Librarians will also alert the judges to whom they are assigned if their routine monitoring of the internet for judicial mentions uncovers the potential misuse of a judge's name as a domain name; and
- c. With regard to ensuring that threats are reported to the USMS, urge each circuit librarian to coordinate with individual judges and the local USMS district office to assist in implementing the USMS protocol for reporting information located by the librarians that contains sensitive personal information about a judge or a judge's family or that could be interpreted as threatening (Protocol for Judges and the U.S. Marshals Service, May 21, 2010).

The Conference adopted the Committee's recommendations.

COMMITTEE ACTIVITIES

The Committee on Judicial Security reported that it discussed its work to expand and formalize the provision of security awareness training for judges through workshops, videos, and panel discussions. In addition, the Committee was briefed on the status of the perimeter security pilot program at the seven courthouses where the U.S. Marshals Service has assumed responsibility for perimeter security guarding and equipment. The Committee was advised that further congressional direction is required to define the future of the program.

COMMITTEE ON THE ADMINISTRATION OF THE MAGISTRATE JUDGES SYSTEM

SELECTION AND APPOINTMENT REGULATIONS

Senior Judge Participation. Sections 503 and 504 of the Court Security Improvement Act of 2007, Public Law No. 110-177, were inconsistent on the issue of whether senior district judges must meet a workload requirement in order to enjoy a statutory right to participate in the selection and appointment of United States magistrate judges. Following enactment of the Court Security Improvement Act, the Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Appointment and Reappointment of United States Magistrate Judges were amended to note the conflict in the law (JCUS-SEP 08, pp. 29-30). This conflict has now been resolved with the enactment of the Federal Judiciary Administrative Improvements Act of 2010, Public Law No. 111-174. To reflect this statutory change, on recommendation of the Committee on the Administration of the Magistrate Judges System, the Conference amended the selection and appointment regulations to provide that senior judges with at least a 50 percent workload in the preceding calendar year may participate in the selection of new magistrate judges.

Section 3.02(d). Under section 3.02(d) of the selection and appointment regulations for magistrate judges, a person who has served on a merit selection panel for a court may not be considered for a subsequent magistrate judge position by that court for a period of one year after completion of such service, unless the Committee on the Administration of the Magistrate Judges System grants a waiver. To clear up any ambiguity as to

when the one-year period begins and ends, the Conference approved a recommendation of the Committee to amend section 3.02(d) to specify that one year must elapse between the earlier of when a former panel submitted its report to the court or when the member of that panel now seeking a position resigned, and the date by which applications for a subsequent vacancy are due to be submitted to the court, for that former merit selection panel member to be considered for the subsequent magistrate judge position.

CHANGES IN MAGISTRATE JUDGE POSITIONS

After consideration of the report of the Committee on the Administration of the Magistrate Judges System and the recommendations of the Director of the Administrative Office, the respective district courts, and the judicial councils of the relevant circuits, the Judicial Conference determined to make the following changes regarding magistrate judge positions.

EIGHTH CIRCUIT

Western District of Missouri

1. Authorized the magistrate judge positions at Kansas City in the Western District of Missouri to exercise adjoining district jurisdiction in the District of Kansas, and the magistrate judge positions at Kansas City in the District of Kansas to exercise adjoining district jurisdiction in the Western District of Missouri (*see infra*, “District of Kansas,” p. 32); and
2. Made no other change in the number, locations, or arrangements of the magistrate judge positions in the Western District of Missouri.

NINTH CIRCUIT

District of Alaska

1. Decreased the salary of the part-time magistrate judge position at Ketchikan from Level 6 (\$13,439 per annum) to Level 7 (\$6,716 per annum);

2. Discontinued the part-time magistrate judge position at Kodiak upon the retirement of the incumbent or December 31, 2011, whichever occurs sooner; and
3. Made no other change in the number, locations, salaries, or arrangements of the magistrate judge positions in the district.

Central District of California

Made no change in the location, salary, or arrangements of the part-time magistrate judge position at Santa Barbara.

District of Oregon

1. Increased the salary of the part-time magistrate judge position at Pendleton from Level 5 (\$26,881 per annum) to Level 3 (\$53,767 per annum); and
2. Made no other change in the number, locations, salaries, or arrangements of the magistrate judge positions in the district.

TENTH CIRCUIT

District of Kansas

Authorized the magistrate judge positions at Kansas City in the Western District of Missouri to exercise adjoining district jurisdiction in the District of Kansas, and the magistrate judge positions at Kansas City in the District of Kansas to exercise adjoining district jurisdiction in the Western District of Missouri (*see supra*, “Western District of Missouri,” p. 31).

The Judicial Conference agreed to make no change in the number, locations, salaries, or arrangements of the magistrate judge positions in the following districts: Eastern District of Pennsylvania, Southern District of Ohio, Eastern District of Washington, District of Colorado, Western District of Oklahoma, and Northern District of Georgia.

COMMITTEE ACTIVITIES

The Committee on the Administration of the Magistrate Judges System reported that under the September 2004 Judicial Conference policy regarding the review of magistrate judge position vacancies (JCUS-SEP 04, p. 26), during the period between the Committee's June 2010 and December 2010 meetings, the Committee chair approved filling fourteen magistrate judge position vacancies in twelve district courts. At its December 2010 meeting, the full Committee approved filling three magistrate judge position vacancies. The Committee also received a progress report from a subcommittee on long-range planning for the magistrate judges system.

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

COMMITTEE ACTIVITIES

The Committee on Rules of Practice and Procedure reported that it approved for publication proposed amendments to the Federal Rules of Appellate and Criminal Procedure. The proposed amendments to Appellate Rules 13, 14, and 24 would clarify procedures for taking a permissive interlocutory appeal from the United States Tax Court and would more accurately reflect the status of the Tax Court as a court. The proposed amendment to Criminal Rule 11 would expand the colloquy under that rule to advise a defendant of possible immigration consequences when the judge accepts a guilty plea. The proposed rule amendments are expected to be published for public comment in August 2011.

COMMITTEE ON SPACE AND FACILITIES

COMMITTEE ACTIVITIES

The Committee on Space and Facilities reported that it approved two changes to the asset management planning business rules to help ensure that the Committee's consideration of GSA feasibility study requests for recommendation to the Judicial Conference does not occur prematurely and to encourage timely approval of long-range facilities plans. The Committee also approved a request for chambers for a newly appointed Fourth Circuit judge. The Committee was updated on the status of the three pilot tenant alterations

projects (in Des Moines, Iowa; Chicago, Illinois; and Washington, D.C.) planned by the courts under the newly granted congressional authorization for the GSA to delegate to the judiciary the authority to perform tenant alterations projects costing up to \$100,000.

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.

Chief Justice of the United States
Presiding