

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

*MARCH 14, 2006
WASHINGTON, D.C.*

*JUDICIAL CONFERENCE OF THE UNITED STATES
CHIEF JUSTICE JOHN G. ROBERTS, JR.,
PRESIDING
LEONIDAS RALPH MECHAM, SECRETARY*

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March 14, 2006

The Judicial Conference of the United States convened in Washington, D.C., on March 14, 2006, 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 Michael Boudin
Judge Hector M. Laffitte,
District of Puerto Rico

Second Circuit:

Chief Judge John M. Walker, Jr.
Chief Judge Michael B. Mukasey,
Southern District of New York

Third Circuit:

Chief Judge Anthony J. Scirica
Chief Judge Garrett E. Brown, Jr.,
District of New Jersey

Fourth Circuit:

Chief Judge William W. Wilkins
Judge David C. Norton,
District of South Carolina

Fifth Circuit:

Chief Judge Edith Hollan Jones
Chief Judge Glen H. Davidson,
Northern District of Mississippi

Judicial Conference of the United States

Sixth Circuit:

Chief Judge Danny J. Boggs
Judge William O. Bertelsman,
Eastern District of Kentucky

Seventh Circuit:

Chief Judge Joel M. Flaum
Judge J. P. Stadtmueller,
Eastern District of Wisconsin

Eighth Circuit:

Chief Judge James B. Loken
Judge Lawrence L. Piersol,
District of South Dakota

Ninth Circuit:

Chief Judge Mary M. Schroeder
Judge Charles R. Breyer,
Northern District of California

Tenth Circuit:

Chief Judge Deanell R. Tacha
Judge David L. Russell,
Western District of Oklahoma

Eleventh Circuit:

Chief Judge J. L. Edmondson
Chief Judge Robert L. Hinkle,
Northern District of Florida

District of Columbia Circuit:

Chief Judge Douglas H. Ginsburg
Chief Judge Thomas F. Hogan,
District of Columbia

Federal Circuit:

Chief Judge Paul R. Michel

Court of International Trade:

Chief Judge Jane A. Restani

The following Judicial Conference committee chairs attended the Conference session: Circuit Judges Julia Smith Gibbons, Marjorie O. Rendell, Jane R. Roth, and David Bryan Sentelle; and District Judges Susan C. Bucklew, Paul G. Cassell, W. Royal Furgeson, Jr., Nina Gershon, John Gleeson, D. Brock Hornby, Robert B. Kugler, David F. Levi, Howard D. McKibben, Lee H. Rosenthal, John R. Tunheim, and Thomas I. Vanaskie. Bankruptcy Judge A. Thomas Small and Magistrate Judge John M. Roper, were also in attendance. Norman E. Zoller of the Eleventh Circuit represented the circuit executives.

Leonidas Ralph Mecham, Director of the Administrative Office of the United States Courts (AO), 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; 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. Judge Barbara Jacobs Rothstein and John S. Cooke, Director and Deputy Director of the Federal Judicial Center (FJC), and Judge Ricardo H. Hinojosa, Chair of the United States Sentencing Commission, were in attendance at the session of the Conference, as was Sally M. Rider, Administrative Assistant to the Chief Justice. Scott Harris, Supreme Court Counsel, and the 2005-2006 Judicial Fellows also observed the Conference proceedings.

Senators Arlen Specter, Patrick J. Leahy, and Jeff Sessions and Representatives F. James Sensenbrenner, Jr. and Lamar S. Smith spoke on matters pending in Congress of interest to the Conference. Attorney General Alberto R. Gonzales 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 Rothstein spoke to the Conference about Federal Judicial Center programs, and Judge Hinojosa reported on Sentencing Commission activities. In addition, Judge Hornby reported on judicial compensation and the judiciary's relationship with Congress, Judge Sentelle reported on judicial security, and Judge Cassell provided an update on sentencing guidelines.

ELECTIONS

The Judicial Conference elected Judge Karen J. Williams of the Court of Appeals for the Fourth Circuit to membership on the Board of the Federal Judicial Center for a term of four years, to succeed Judge Pierre N. Leval of the Court of Appeals for the Second Circuit.

RESOLUTIONS

Marking the upcoming retirement of Mr. Mecham from the position of Director of the Administrative Office, the Judicial Conference adopted the following resolution by mail ballot:

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

LEONIDAS RALPH MECHAM
Director of the Administrative Office
1985 - 2006

Director Leonidas Ralph Mecham has served under three Chief Justices and for more than 20 years as the Administrative Office's Director, earning him the distinction of serving longer than any previous Director in the agency's history. Under Ralph Mecham's stewardship, the federal court system has flourished.

Ralph Mecham has focused on enhancing support to the Judicial Conference and its committees, building relationships,

and providing excellent services to judges and the courts. He has also promoted effectiveness and achievement in all judiciary programs. Ralph Mecham's acumen for legislative affairs greatly strengthened the judiciary's ability to communicate its budgetary and legislative needs to Congress and the executive branch. His success in securing adequate resources for the judiciary in tight budgetary climates enabled federal courts to maintain high standards of service to the public while carrying out the judiciary's critical mission. He tirelessly pursued increases in judges' and court executives' pay and enhancements of benefits to ensure that the federal judiciary can recruit and retain the best people. He created a program that enabled the judiciary to obtain funding for new courthouses to replace aging, unsafe facilities, and he pushed to enhance judicial security.

Ralph Mecham has endeavored to reach out across the judicial family to build strong relationships and seek broad input. He championed innovations that have revolutionized court administration. His initiative to decentralize financial and management responsibilities to the courts provided judges and court managers with the flexibility they needed to address their unique requirements and priorities, and enhanced accountability and effectiveness. Recognizing early the potential benefits of new technologies, he transformed court operations through the deployment of a data communications network and numerous systems.

Ralph Mecham's visionary leadership, deep devotion to the independence and integrity of the federal judiciary, and unflagging spirit, drive and determination have left an enduring legacy for federal judicial administration. A man of remarkable intelligence and good humor, he has inspired others to accomplish a great deal, as well. The Judicial Conference expresses its deep gratitude to Ralph Mecham for his record of excellent and dedicated service to the federal judiciary, and it wishes the best to him and his warm and gracious wife, Barbara, as they enter this new stage of their lives.

In separate resolutions (which are reprinted in the Appendix), several committees of the Judicial Conference paid tribute to the dedicated and accomplished service to the judiciary of Director Mecham. Also set forth in

the Appendix is a resolution of the Committee on the Administrative Office recognizing the accomplishments and contributions to the judicial branch of Associate Director Clarence A. “Pete” Lee, Jr.

EXECUTIVE COMMITTEE

CIRCUIT JUDICIAL CONFERENCES

In March 2005 the Judicial Conference, in an effort to contain costs, approved a policy that would limit the use of the judiciary’s appropriations to cover the non-travel related expenses associated with circuit judicial conferences by authorizing such use only in alternate years (JCUS-MAR 05, p. 5). Implementation of the policy was subsequently deferred so that possible changes could be considered to address practical issues that had been brought to the Executive Committee’s attention (JCUS-SEP 05, p. 9). The Committee then considered an alternative policy that would allow the use for circuit conferences of appropriated funds, both centrally held and decentralized, to the extent otherwise permissible, with centrally held funding to be allotted in amounts that would be established biennially, but could be distributed either in alternate years or in separate allotments for each of two successive years. On recommendation of the Committee, the Judicial Conference modified its previous policy with regard to funding for circuit judicial conferences and agreed to—

- a. Encourage the circuits to use non-appropriated funds (e.g., attorney admission fees and conference registration fees), to the extent advisable and permissible, to pay the expenses (other than the travel costs of judiciary personnel) for all circuit conferences in which the bar participates;
- b. Direct the Administrative Office, subject to approval by the Executive Committee, to establish and periodically adjust a biennial per capita rate at which centrally held appropriated funds will be made available to pay circuit conference expenses (apart from the travel costs of judiciary personnel) during fiscal years 2007 and 2008, and during ensuing two-year periods; and

- c. Authorize the Administrative Office to provide such funding to the circuits for such expenses in single allotments available in alternate years or, if a particular circuit requests, in annual allotments that may not, in the aggregate, exceed the biennial funding amount available to that circuit in accordance with the per-capita rate established for that period.

MISCELLANEOUS ACTIONS

The Executive Committee—

- Approved adjustments to the judiciary’s fiscal year (FY) 2007 budget request;
- Approved final fiscal year 2006 financial plans for the four major judiciary appropriations accounts—Salaries and Expenses, Defender Services, Court Security, and Fees of Jurors and Commissioners;
- At the request of the Committee on Rules of Practice and Procedure, approved on behalf of the Conference transmission of a report to Congress required under the Class Action Fairness Act of 2005 (Pub. L. No. 109-2);
- On recommendation of the Committee on Rules of Practice and Procedure, approved on the Conference’s behalf revisions to three bankruptcy official forms that had previously been adopted as part of the judiciary’s implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Pub. L. No. 109-8);
- On recommendation of the Magistrate Judges Committee and on the Conference’s behalf, authorized the District of Utah to retain the part-time magistrate judge position in Monticello until the incumbent retires, but no longer than the end of his current term of office (which expires March 28, 2007);
- Approved on the Conference’s behalf a minor technical change in the policy, adopted in September 2005, concerning waivers of the qualification requirements for official court reporters;

- Approved an amendment to the jurisdictional statement for the Committee on the Administrative Office to reflect explicitly that committee's ongoing oversight responsibility for Administrative Office audit, review, and investigative assistance activities;
- At the request of the Director of the Administrative Office, endorsed three exceptions to the Judicial Conference's non-prospectus space moratorium, which already had the approval of the Space and Facilities Committee, and advised the Director to defer granting an exemption from the Conference's prospectus-level courthouse construction moratorium for a lease-construction project until additional information could be obtained; and
- Adjusted for inflation the alternative subsistence rate for judges' travel in New York City and Washington, D.C.

COMMITTEE ON THE ADMINISTRATIVE OFFICE

COMMITTEE ACTIVITIES

The Committee on the Administrative Office reported that, following an exhaustive examination of the judiciary's oversight and review system (including local, circuit, and national roles, responsibilities, and mechanisms for review), it concluded that the system is effective and that the AO's activities in this regard are carried out properly and well. The Committee also proposed, and the Executive Committee approved, modification to the Committee's jurisdictional statement to reflect expressly its ongoing responsibility to oversee the audit, review, and investigative assistance activities of the Administrative Office (see *supra*, "Miscellaneous Actions," pp. 7-8). In addition, the Committee determined to establish a recognition program, named in honor of outgoing Director Mecham, by which the Committee will acknowledge AO employees for noteworthy achievements in providing support to the courts.

COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM

CONSUMER CREDIT COUNSELING/DEBTOR EDUCATION PROGRAMS

Interim Guidelines. On recommendation of the Committee on the Administration of the Bankruptcy System, the Judicial Conference approved revisions to the interim guidelines for certification of credit counseling agencies and debtor education programs in bankruptcy administrator districts, which had been adopted to implement the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. The revisions include changes to the structure and extent of the bonding requirement for counseling agencies, a more extensive requirement for disclosure of relationships between counseling agencies and other businesses, and a requirement for documentary proof of non-profit status. The Conference also adopted a recommendation of the Committee to delegate to the Director of the Administrative Office authority to amend the interim guidelines as necessary to conform to similar guidelines for the United States trustee program, as adopted and amended from time to time by the Executive Office for U.S. Trustees.

Bankruptcy Administrator Guidelines. On recommendation of the Committee, the Conference amended the Guidelines of the Director of the Administrative Office of the United States Courts Relating to the Administration of the Bankruptcy Administrator Program to—

- a. Require that approved applications of consumer credit counseling agencies and debtor education providers be retained until the expiration of the applicable statute of limitations on criminal misrepresentations and that rejected applications be retained until expiration of the statute of limitations on suits against the government; and
- b. Limit chapter 13 trustees to providing debtor education courses only to chapter 13 debtors.

SELECTION AND APPOINTMENT REGULATIONS

Section 2.01 of the Judicial Conference Regulations for the Selection, Appointment and Reappointment of United States Bankruptcy Judges requires that public notice of a bankruptcy judgeship vacancy be published in a “general

local newspaper or similar publication and in a bar journal, newsletter, or local legal periodical, if available,” in order to ensure broad dissemination of the public notice and attract qualified applicants. Noting that the cost of newspaper advertisements continues to escalate and that internet employment sites not only provide far-reaching public access, but also are generally offered free of charge or at low cost, the Committee recommended, and the Conference approved, an amendment to section 2.01 to make publication of judicial vacancy announcements through print advertisements in local newspapers optional, rather than required, and to permit electronic publication of those announcements.

OFFICIAL DUTY STATION

On recommendation of the Bankruptcy Committee, and in accordance with 28 U.S.C. § 152(b)(1), the Judicial Conference approved Bakersfield as the official duty station for the new bankruptcy judgeship in the Eastern District of California, as requested by the Ninth Circuit Judicial Council.

COMMITTEE ACTIVITIES

The Bankruptcy Committee reported that it adopted a resolution commending the judges and employees of the bankruptcy courts for their extraordinary efforts in implementing the new bankruptcy legislation. It also commented on a report on the Administrative Office’s study of administrative services, and it provided suggestions to the Committee on Information Technology on strategies to help meet the technology needs of judges. The Committee further suggested certain fee amendments made necessary by the new bankruptcy legislation and received reports on a wide variety of topics, including an analysis showing that the benefits of the bankruptcy judge recall program significantly outweigh the costs.

COMMITTEE ON THE BUDGET

BUDGET CAPS FOR SPACE RENTAL COSTS

In furtherance of the judiciary’s efforts to contain space rental costs, the Budget Committee recommended, and the Judicial Conference approved in concept, the establishment of an annual budget cap for space rental costs to

be determined by the Budget Committee in consultation with the Space and Facilities Committee. The rent budget cap would apply to all future rent requirements, including but not limited to new courthouses, repair and alteration projects, and additional space acquisitions.

FISCAL YEAR 2006 APPROPRIATIONS

Noting the adverse effects on the judiciary of across-the-board funding cuts in FY 2004 and 2005, and that a third year of such cuts would severely jeopardize the judiciary's ability to perform its constitutional duties, the Judicial Conference, in November 2005, approved by mail ballot a resolution recommended by the Budget Committee urging Congress and the President to exempt the judiciary from any across-the-board cuts to its fiscal year 2006 appropriations and to provide funding at least at the level contained in the judiciary's appeal to congressional conferees.

COMMITTEE ACTIVITIES

The Committee on the Budget reported that it discussed a number of issues aimed at reducing the judiciary's General Services Administration (GSA) rent requirements since rent paid to GSA continues to consume over 20 percent of the judiciary's Salaries and Expenses account budget. In addition, at the request of the Judicial Conference (JCUS-SEP 05, p. 40), it reconsidered a proposal to seek a separate appropriation to cover GSA rental charges and determined that a separate appropriation for rent would not be in the best interest of the judiciary. The Committee also discussed the judiciary's long-range budget outlook, efforts to acquire additional resources from Congress, and the program committees' progress on the Judicial Conference-approved cost-containment strategy (JCUS-SEP 04, pp. 6-7), including studies of administrative services and alternative service delivery models for information technology.

COMMITTEE ON CODES OF CONDUCT

COMMITTEE ACTIVITIES

The Committee on Codes of Conduct reported that it reviewed, commented on, and endorsed publication of new training materials for judges on conflicts of interest, outside activities, and other ethical issues. It also advised the Conference that since its last report to the Conference in September 2005, the Committee received 29 new written inquiries and issued 28 written advisory responses (one inquiry was withdrawn). During this period, the average response time for requests was 15 days. The Chairman received and responded to 41 informal inquiries, and the other Committee members responded individually to 130 informal inquiries from their colleagues.

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

MISCELLANEOUS FEES

Electronic Public Access Fee Schedule. On recommendation of the Committee on Court Administration and Case Management, the Conference amended the Electronic Public Access (EPA) Fee Schedule to add a 50-cent-per-page fee for the Public Access to Court Electronic Records (PACER) Service Center to reproduce, on paper, records pertaining to a PACER account, and a \$45 fee for a check paid to the PACER Service Center that is returned for lack of funds. Similar fees are already included in the appellate, district, and bankruptcy miscellaneous fee schedules. The fee for reproducing records only applies to services rendered on behalf of the United States if the record or paper relates to the requester's account and is remotely available through electronic access. Also on the Committee's recommendation, the Conference increased the EPA fee for a search of court records conducted by PACER Service Center staff from \$20 to \$26, the fee currently charged for searches done by clerk's office staff, and clarified that this fee applies per name or item searched.

Court of Appeals Miscellaneous Fee Schedule. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 establishes a procedure for direct bankruptcy appeals to the courts of appeals in specific circumstances. Under interim rules developed to facilitate uniform practice

under the new Act,¹ litigants are required to pay a \$250 filing fee, set forth in Item 15 of the Bankruptcy Court Miscellaneous Fee Schedule, before a direct appeal can be certified to the court of appeals. However, Item I of the Court of Appeals Miscellaneous Fee Schedule requires a \$250 filing fee when an appeal is authorized to proceed in the court of appeals. Noting that the imposition of two \$250 filing fees to file a single appeal was probably unintended and would be unjust, the Committee recommended, and the Conference agreed, that Item I of the Court of Appeals Miscellaneous Fee Schedule be amended by adding the following sentence at the end of the existing language:

A docketing fee shall not be charged for the docketing of a direct bankruptcy appeal when the fee has been collected by the bankruptcy court in accordance with 28 U.S.C. § 1930n. (Bankruptcy Court Miscellaneous Fee Schedule, Item 15).

Waiver of Miscellaneous Fees in Emergencies. In September 1997, the Judicial Conference delegated authority to the Director of the Administrative Office to grant waivers of miscellaneous fees, excluding filing fees, following a natural disaster, for a set period of time not to exceed one year, upon the request of the chief judge of the affected court (JCUS-SEP 97, pp. 60-61). Noting that this policy would not cover man-made events such as terrorist attacks, which could have the same or greater destructive impact as natural disasters, and that recent legislation permitting courts to hold proceedings outside of their geographic boundaries in times of emergency applies under all emergency conditions, the Committee recommended, and the Conference agreed, that the delegation of authority to the Director to waive fees in times of natural disasters should be amended to read as follows:

Authority is delegated to the Director of the Administrative Office to grant waivers of certain and specified miscellaneous fees, excluding filing fees, when emergency conditions are present, for a set period of time not to exceed one year, upon the request of the chief judge, or, if the chief judge is not available, the most senior active judge of the affected court.

¹The Executive Committee, in August 2005, acted on behalf of the Conference to authorize distribution of proposed interim rules for adoption in individual districts by local rule or general order, to be used until the Federal Rules of Bankruptcy Procedure could be amended to reflect the new legislation (JCUS-SEP 05, p. 5).

Bankruptcy Miscellaneous Fee Schedule. The Deficit Reduction Act of 2005 (Pub. L. No. 109-171) increases the filing fees for appellate, civil, and bankruptcy cases, effective April 9, 2006. These legislative fee increases would affect several fees on the Bankruptcy Court Miscellaneous Fee Schedule, promulgated by the Judicial Conference, that are linked to the filing fees. Since the Judicial Conference has increased nearly all of the miscellaneous fees in recent years, and the judiciary has not had an opportunity to review the appropriateness of these automatic increases, the Committee, in consultation with the Bankruptcy Committee, recommended that the Judicial Conference stay implementation of the automatic increases in order to provide time for the Court Administration and Case Management Committee and the Bankruptcy Committee to review and analyze their merits. The Conference adopted the Committee's recommendation.

COMMITTEE ACTIVITIES

The Committee on Court Administration and Case Management reported that it discussed several issues, including legislative efforts to split the Ninth Circuit, implementation of the policy on electronic availability of transcripts of courts proceedings, the work of its privacy subcommittee, and a follow-up study conducted by the Federal Judicial Center on implementation of the privacy policy. The Committee considered a number of other significant legislative proposals, including a proposal to establish a pilot program that would assign patent cases only to judges who have been designated to hear them, and several proposals relating to cameras in the courtroom. The Committee also discussed the efforts of its library subcommittee to reduce future spending, develop financial plans for lawbooks, modify the list of lawbook material available to newly appointed judges, and review library sizes and types of spaces to determine if reductions could be made.

COMMITTEE ON CRIMINAL LAW

PRESENTENCE INVESTIGATION REPORT MONOGRAPH

On recommendation of the Committee on Criminal Law, the Judicial Conference approved revisions to the *Presentence Investigation Report for Defendants Sentenced Under the Sentencing Reform Act of 1984*, Publication 107, and a new AO Form 246, for publication and distribution to the courts.

The revisions (a) incorporate changes prompted by the recent Supreme Court decision on sentencing in *United States v. Booker*, 543 U.S. 220 (2005), (b) provide guidance to judges on ordering modified presentence investigation reports in appropriate cases, and (c) restyle and reorganize the monograph to facilitate its use as a training and reference document. New AO Form 246 was developed to assist the courts in ordering specific presentence investigations and reports.

AUTHORITY TO MODIFY MONOGRAPHS

In order to expedite the implementation of technical, conforming, and non-controversial amendments to monographs prepared for use by the probation and pretrial services system, the Committee on Criminal Law recommended that the Judicial Conference delegate to the Committee the authority to approve such changes for existing and future monographs, for publication and distribution to the courts. The Conference adopted the Committee's recommendation.

COMMITTEE ACTIVITIES

The Committee on Criminal Law reported that, in light of the success of the 2005 National Sentencing Policy Institute, it asked the Federal Judicial Center to convene a National Sentencing Policy Institute during 2006, to focus upon the effects of *United States v. Booker* and to provide a forum for discussing federal sentencing policy. The Committee also determined to advise the Executive Committee that there is no compelling reason to transfer the post-conviction supervision function to an agency outside of the judiciary, and furthermore that such a transfer would be detrimental and counterproductive.

COMMITTEE ON DEFENDER SERVICES

CRIMINAL JUSTICE ACT (CJA) VOUCHERS

Reduction Procedures for CJA Panel Attorney Claims. On recommendation of the Committee on Defender Services, the Judicial Conference amended paragraph 2.22D of the Guidelines for the Administration of the Criminal Justice Act and Related Statutes, Volume 7,

Guide to Judiciary Policies and Procedures, to state that courts should provide appointed counsel in CJA representations with prior notice of proposed reductions to CJA vouchers (other than for reductions related to mathematical or technical errors), a brief statement of reasons for proposed reductions, and an opportunity to address the judge's concerns. The amendment explicitly endorses informality and flexibility in both communication of the notice and in the resolution of any objection by counsel; no hearing, formal or otherwise, is required. This change is not intended to confer a right to obtain review of the judge's decision.

Voucher Reductions in Constrained Budgetary Environments. Noting that some judges may delay action on CJA vouchers or reduce the amount of compensation awarded in response to constrained budgetary circumstances, and that appropriations issues should not be resolved at the expense of individual attorneys, the Committee recommended that the Conference approve a new paragraph 2.22D of the CJA Guidelines to advise judges not to delay or reduce vouchers for the purpose of diminishing Defender Services program costs, and redesignate current paragraphs 2.22D (as amended above) through F as 2.22E through G, respectively. The Conference approved the Committee's recommendation.

COMMITTEE ACTIVITIES

The Committee on Defender Services reported that to advance its cost-containment efforts, it formulated plans for soliciting circuit interest in participating in a pilot project, approved by the Judicial Conference at its September 2005 session (JCUS-SEP 05, p. 21), under which the Defender Services appropriation will fund three circuit positions for up to three years to support the case-budgeting process. In addition, after considering a report on federal defender organizations that had been affected by catastrophic hurricanes in 2005 and noting problems encountered (such as locating displaced clients and communicating with staff and other parts of the judiciary, including the Administrative Office), the Committee requested that the Administrative Office collect defender organizations' continuity of operations and communications plans and that action be taken to initiate or update them.

COMMITTEE ON FEDERAL-STATE JURISDICTION

AMENDMENTS TO THE VENUE STATUTES

As part of its jurisdictional improvements project, the Committee on Federal-State Jurisdiction recommended that the Judicial Conference adopt amendments to title 28 of the United States Code to clarify and improve the venue statutes. The Conference approved the recommended amendments as follows:

- a. Add a new 28 U.S.C. § 1390 to define the terms and scope of the general venue provisions to be set forth in § 1391;
- b. Amend 28 U.S.C. § 1391 to—
 1. establish a single venue standard for both federal question and diversity of citizenship jurisdiction, to apply unless venue is otherwise specified by a federal statute, and to provide that “fallback venue,” i.e., venue when there is no other district in which the action may be brought, is proper in a judicial district in which any defendant is subject to the court’s personal jurisdiction as to the action in question;
 2. clarify that residence for a natural person means the judicial district in which that person is domiciled;
 3. establish venue without regard to the local or transitory nature of the action;
 4. extend the rules governing corporate venue to any unincorporated associations that enjoy capacity to sue and be sued under applicable law; and
 5. limit venue in multiple defendant cases to a district of the state in which all defendants reside; and
- c. Repeal 28 U.S.C. § 1392, which established a separate rule for local actions.

COMMITTEE ACTIVITIES

The Committee on Federal-State Jurisdiction reported on the status of the Social Security Administration's proposed changes to the disability claims process. The Committee also considered immigration reform legislation pending in the 109th Congress and discussed recent changes in the administrative review of immigration cases by the Board of Immigration Appeals and the impact of those changes on the workload of the courts of appeals. The Committee was provided an update on habeas corpus legislation pending in Congress and addressed the need for the federal courts to review the processing of capital habeas corpus petitions filed in the federal courts by state prisoners to determine whether there are any unwarranted delays, and if so, the causes of such delays. Members also participated in a roundtable discussion of ways the Committee may be of assistance to the federal and state courts on issues of mutual concern.

COMMITTEE ON FINANCIAL DISCLOSURE

COMMITTEE ACTIVITIES

The Committee on Financial Disclosure reported that as of December 31, 2005, the Committee had received 4,084 financial disclosure reports and certifications for calendar year 2004, including 1,344 reports and certifications from Supreme Court justices, Article III judges, and judicial officers of special courts; 357 reports from bankruptcy judges; 563 reports from magistrate judges; and 1,820 reports from judicial employees. The Committee reported that the authority of the Judicial Conference to redact personal and sensitive information from financial disclosure reports expired on December 31, 2005. The primary focus of legislative efforts in this area for 2006 is restoration of the judiciary's redaction authority.

COMMITTEE ON INFORMATION TECHNOLOGY

COMMITTEE ACTIVITIES

The Committee on Information Technology reported that it reviewed efforts underway to encourage judges to use technology, resolved that remote access technologies—such as high-speed access to the internet and personal digital assistants—can be of great benefit for judges' security and efficiency,

indicated support for courts making these technologies available to judges, and requested that the Administrative Office seek funds for this purpose. The Committee continued to monitor cost-containment efforts to identify and implement cost-effective information technology service delivery models. It also provided comments on a study of administrative services, cautioning that confidentiality, security, quality of service, reliability, and potential impact on the judiciary's information technology infrastructure should be considered as decisions are made regarding the delivery of administrative services.

COMMITTEE ON INTERCIRCUIT ASSIGNMENTS

COMMITTEE ACTIVITIES

The Committee on Intercircuit Assignments reported that, during calendar year 2005, a total of 129 intercircuit assignments were undertaken by 66 Article III judges. In addition, the Committee received an update on the Administrative Office's effort to collect additional information on visiting judge assignments (both intercircuit and intracircuit) to help evaluate the costs and benefits of the program. The Committee's view, based on fiscal year 2005 data, was that the benefits of the visiting judge program clearly outweigh its costs. The Judicial Resources Committee concurred with this conclusion, and the Executive Committee was advised of these results. The Committee also reported that it would continue to promote the effective use of visiting judges.

COMMITTEE ON INTERNATIONAL JUDICIAL RELATIONS

COMMITTEE ACTIVITIES

The Committee on International Judicial Relations reported on its involvement in rule-of-law and judicial reform activities throughout the world, highlighting those in Albania, Indonesia, Montenegro, and the Russian Federation. The Committee also reported on its ongoing involvement with the rule-of-law component of the Open World Program at the Library of Congress, which brings Russian and Ukrainian jurists and judicial officials to the United States.

COMMITTEE ON THE JUDICIAL BRANCH

ROTH 401(K)-TYPE PLAN

The Economic Growth and Tax Relief Reconciliation Act of 2001 (Pub. L. No. 107-16) authorizes employers in the private and non-profit sectors to offer their employees the opportunity to make Roth 401(k) contributions beginning January 1, 2006. This legislation does not cover federal employees. Roth 401(k) plans differ from traditional 401(k)-type plans, such as the federal employees' Thrift Savings Plan, in that contributions are taxable at the time of the contribution but the proceeds, plus any earnings, are completely free from federal tax at the time of distribution. On recommendation of the Committee, the Conference agreed to ask the Federal Retirement Thrift Investment Board to seek legislation that would authorize the establishment of a Roth 401(k)-type option for Thrift Savings Plan participants.

COMMITTEE ACTIVITIES

The Committee on the Judicial Branch reported that it has continued to devote its priority attention to the problem of judicial compensation. In view of the upward spiral in the salaries of law firm associates, the Committee questioned whether federal judges' salaries bear a reasonable relationship to those of the pool of lawyers from which candidates for judicial office are typically drawn. At its December 2005 meeting, the Committee devoted considerable time and attention to the discussion of benefits matters, including the Judicial Survivors' Annuities System.

COMMITTEE ON JUDICIAL RESOURCES

COMMITTEE ACTIVITIES

The Committee on Judicial Resources reported that it endorsed extending the time line for the court compensation study in order to afford greater involvement of judges, unit executives, and employees. After much discussion, the Committee resolved to create an ad hoc subcommittee to study all facets of law clerk recruitment, including electronic tools to assist in the application and selection process. The Committee determined that the work measurement study of pro se law clerks in the district courts that had been

scheduled to begin in spring 2006 should be postponed until more information on the use of these law clerks is obtained. The Committee endorsed an interim policy to allow court and federal public defender organization employees to participate in any emergency leave transfer program authorized by the President, once appropriate legislative authority is enacted to include the judicial branch.

COMMITTEE ON JUDICIAL SECURITY

U.S. BUREAU OF PRISONS MAIL SCREENING

In the wake of two recent incidents involving the delivery of a suspicious package from a U.S. Penitentiary to a clerk of court's office, the Committee on Judicial Security recommended that all outgoing mail to judges from inmates incarcerated at maximum security facilities be screened. After discussing and slightly modifying the recommendation, the Conference agreed to urge the Bureau of Prisons (which had recently instituted an interim screening procedure and was in the process of considering long-term measures) to adopt a policy that requires the screening, without reading, of all outgoing mail to federal judges and courts from inmates incarcerated in a U.S. Penitentiary or high-security Federal Correctional Institution.

SECURITY AT LEASED PROBATION AND PRETRIAL SERVICES OFFICES

On recommendation of the Committee, which noted the security risks faced by probation and pretrial services officers in leased space, the Judicial Conference adopted a policy authorizing the placement of security screening equipment and contract security guards at leased facilities that house probation or pretrial services offices.

IN-SERVICE TRAINING FOR DEPUTY U.S. MARSHALS

Expressing concern about the adequacy of training for deputy U.S. marshals, the Committee on Judicial Security recommended that the Judicial Conference urge the Director of the U.S. Marshals Service (USMS) to provide regular, formal, in-service training to deputy U.S. marshals as a priority in, at a minimum, the following areas: (a) how to conduct a residential security

survey; and (b) how to provide an effective protective security detail. The Conference agreed to the Committee's recommendation.

JUDICIAL PERSONNEL PROFILES

The USMS maintains Judicial Personnel Profiles, which contain personal information about judges and their families that may be needed in an emergency. The Judicial Conference agreed, on recommendation of the Committee, to encourage judges to complete the Judicial Personnel Profile upon taking office and to periodically update this information as requested by the USMS. To address concerns about the confidentiality of the judges' personal information, on recommendation of the Committee, the Conference also agreed to request that the USMS take appropriate measures to ensure the security of the information contained in judges' Judicial Personnel Profiles.

COMMITTEE ACTIVITIES

The Committee on Judicial Security reported that it discussed the court security officer (CSO) program and the re-evaluation of the CSO staffing formula as a cost-containment issue. The Committee determined that, prior to re-evaluating the formula, it is necessary to conduct a thorough review of the CSO contract. In considering charges to the judiciary for security provided at court locations by the Federal Protective Service (FPS), the Committee recommended that the Budget Committee seek Judicial Conference endorsement for Congress to provide direct appropriations to the FPS, as opposed to the FPS charging each agency and branch of government on a pro-rata basis for its services.

COMMITTEE ON THE ADMINISTRATION OF THE MAGISTRATE JUDGES SYSTEM

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 and the respective district courts and circuit judicial councils, the Judicial Conference increased the salary of the part-time magistrate judge position at Eureka in the Northern District of

California from Level 5 (\$25,512 per annum) to Level 2 (\$63,786 per annum), and made no changes in the number, locations, salaries, or arrangements of the full-time and part-time magistrate judge positions in the following districts: the District of New Jersey, the Middle District of North Carolina, the Southern District of West Virginia, the Southern District of Ohio, the Western District of Tennessee, and the Western District of Missouri. The Judicial Conference also made no change in the location, salary, or arrangements of the part-time magistrate judge position at Salisbury in the District of Maryland.

COMMITTEE ACTIVITIES

The Committee on the Administration of the Magistrate Judges System reported that as part of its cost-containment efforts it would continue its practice of not considering any requests for additional full-time magistrate judge positions at its December meetings. Pursuant to the September 2004 Judicial Conference policy regarding the review of magistrate judge position vacancies (JCUS-SEP 04, p. 26), the Committee considered requests from three courts to fill vacancies in magistrate judge positions and determined that the three vacancies should be filled. Currently, three magistrate judge positions are being held vacant. As part of its ongoing oversight and review of the magistrate judge recall program, the Committee reviewed a cost-benefit study of the program prepared by staff. It determined that the program to recall retired magistrate judges to active service continues to be effective in providing needed assistance to courts at a lower cost than authorizing additional permanent positions and should be continued.

COMMITTEE TO REVIEW CIRCUIT COUNCIL CONDUCT AND DISABILITY ORDERS

COMMITTEE ACTIVITIES

The Committee to Review Circuit Council Conduct and Disability Orders reported that it continues to carry out its responsibilities with regard to considering petitions for review of final actions by circuit judicial councils on complaints of misconduct or disability of federal judges.

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

COMMITTEE ACTIVITIES

The Committee on Rules of Practice and Procedure approved for publication proposed amendments to Rule 8 of the Federal Rules of Civil Procedure and Rules 1, 12.1, 17, 18, and 32 of the Federal Rules of Criminal Procedure, and proposed new Criminal Rule 43.1. The proposals to amend the Criminal Rules would implement the Crime Victims' Rights Act (18 U.S.C. § 3771). The advisory rules committees are reviewing comments from the public regarding a proposed comprehensive restyling of the Federal Rules of Civil Procedure and Illustrative Forms, proposed amendments and new rules to implement the E-Government Act of 2002 (Pub. L. No. 107-347, as amended by Pub. L. No. 108-281), proposed amendments to Criminal Rules 11, 32, and 35 to conform with the decision in *United States v. Booker*, and recently distributed interim bankruptcy rules and official forms, which implement the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. The Committee expects to publish for public comment no later than August 2006 proposed new and amended Federal Rules of Bankruptcy Procedure based substantially on the interim rules, modified as appropriate, after considering comments resulting from the use of the interim rules, and any additional revisions to the official forms.

COMMITTEE ON SPACE AND FACILITIES

CORE VALUES FOR THE SPACE AND FACILITIES PROGRAM

On recommendation of the Committee on Space and Facilities, the Judicial Conference endorsed core values for the judiciary's space and facilities program to serve as a foundation for the program's long-range strategic plan and the judiciary's long-range facilities planning process. The core values pertain to the availability, function, adequacy, sufficiency, cost, and structural security of U.S. courthouses.

ASSET MANAGEMENT PLANNING AND PROJECT SCORING

As part of the judiciary's comprehensive cost-containment strategy adopted by the Judicial Conference in September 2004 (JCUS-SEP 04, pp. 6-7), the Committee on Space and Facilities has been re-evaluating the judiciary's long-range facilities planning process. The Committee determined that the process, which had been initiated in 1988 (JCUS-MAR 88, p. 39) and subsequently refined (see, e.g., JCUS-MAR 95, pp. 31-32; JCUS-MAR 96, p. 36; JCUS-SEP 02, p. 63), did not address the benefits of a project as compared to its financial impact. After obtaining input from the courts, the Committee recommended that the Judicial Conference adopt, in concept, asset management planning as an objective methodology that identifies the costs and benefits of alternatives to enhance the long-range facilities planning process. The Committee also recommended that the Conference endorse, in concept and subject to further refinement, asset management planning as the new methodology for scoring and placing courthouse projects on a five-year courthouse project plan, to apply to the 35 projects without congressional appropriations or authorizations² on the Five-Year Courthouse Project Plan for FYs 2005-2009 and to future projects. The remaining 18 projects on that plan, which have congressional authorizations and appropriations and were scored previously under the judiciary's existing methodology, would not be subject to the asset management planning process. The Conference adopted the Committee's recommendations.

INDEPENDENT REAL PROPERTY AUTHORITY

In September 2005, facing skyrocketing rental costs and increasing frustration with the judiciary's dependent relationship with the General Services Administration, the then Committee on Security and Facilities recommended that the Judicial Conference reaffirm its 1989 policy to seek independent real property authority for the judiciary (JCUS-SEP 89, p. 81). The Conference recommitted the matter to the Space and Facilities

²These projects were also subject to a two-year space moratorium adopted by the Judicial Conference in September 2004 (JCUS-SEP 04, pp. 34-35).

Committee³ so that it could develop, in consultation with the Budget Committee, a plan illustrating how independent real property authority could be implemented (JCUS-SEP 05, p. 40). After endorsing general concepts of a draft implementation plan,⁴ and obtaining and incorporating the views of the Budget Committee, the Committee on Space and Facilities recommended that the Judicial Conference affirm its continued support for legislation to establish independent real property authority for the judiciary separate from GSA, with the form and timing of seeking and implementing such authority to be subject to approval by the Executive Committee in consultation with the Space and Facilities Committee and the Budget Committee. The Conference adopted the Committee's recommendation.

COURTHOUSE CONSTRUCTION PLAN FOR FISCAL YEARS 2007 AND 2008

In September 2005, the Judicial Conference agreed to seek FY 2007 courthouse construction funding for pending projects in Buffalo, New York; Salt Lake City, Utah; Jackson, Mississippi; Fort Pierce, Florida; and Savannah, Georgia, and it deferred action on four other projects (San Antonio, Texas; Mobile, Alabama; Rockford, Illinois; and San Jose, California) until March 2006. Noting the continuing significant security and operations problems at the locations of the four deferred projects, the Committee recommended that the Conference seek funding in FY 2008 for those four projects, as well as for the five projects endorsed for FY 2007 that remain unfunded. The Committee also recommended that the FY 2007 request be amended to include funding for site acquisition for two of the four deferred projects, San Antonio, Texas and San Jose, California. The Conference adopted the Committee's recommendations.

³Effective October 2005, the Judicial Conference divided the Security and Facilities Committee into a Committee on Space and Facilities and a Committee on Judicial Security (JCUS-SEP 05, pp. 5-6).

⁴The Committee will continue to refine the implementation plan to reflect emerging trends in real property management and the terms of the authorizing legislation ultimately enacted.

BUDGET CHECK PROCESS FOR NON-PROSPECTUS SPACE PROJECTS

In September 2004, in order to control rental costs, the Judicial Conference endorsed an interim budget check process for all pending space requests, to be performed jointly by the Administrative Office and circuit judicial council staff, to ensure that alternative space, future rent implications, and affordability by the judiciary are considered prior to project approval. If funding is determined not to be available, but a circuit judicial council nevertheless determines that the space is necessary, then the council must seek an exception from the Judicial Conference through the Space and Facilities Committee, in coordination with the Budget Committee, to proceed with the project (JCUS-SEP 04, p. 36). At this session, on recommendation of the Committee, the Judicial Conference reaffirmed that all non-prospectus space requests are subject to the budget check process and endorsed the following time frame for consideration of requests for exceptions for non-prospectus space projects:

A request for an exception for a non-prospectus space project will be considered sequentially, first by the Space and Facilities Committee at its June or December meeting; second, by the Budget Committee at its July or January meeting; and finally, by the Judicial Conference at its September or March session.

JUDICIAL SPACE EMERGENCIES

As part of the Committee's cost-containment initiative to re-evaluate the long-range facilities planning process, the Committee considered the conditions under which a judicial space emergency should be declared. Based on its review, the Committee recommended that the Judicial Conference approve the following policy:

A building is eligible to be considered a judicial space emergency when the Committee on Space and Facilities determines that, among other things, (1) the court building is severely damaged or (2) it has an excessive caseload that impacts its space. The Committee on Space and Facilities will examine each emergency situation on a case-by-case basis to

determine whether to recommend that the Judicial Conference declare the project a space emergency.

The Committee noted that in making its case-by-case determinations, it would take into account whether any unique situations merit the declaration of a space emergency. The Conference approved the Committee's recommendation.

CRITERIA FOR CLOSURE OF CERTAIN COURT FACILITIES

In March 1997, the Judicial Conference adopted criteria for circuit judicial councils to use in determining whether to close facilities without a resident judge (JCUS-MAR 97, p. 18-19). As a cost-containment measure, this Committee recently undertook a review of those criteria and whether they should also be applied to closure of one-judge court facilities. After obtaining views from judges and court personnel, the Committee recommended that the Judicial Conference adopt revised closure criteria factors and weights and apply the criteria only to non-resident judge locations. Under the new methodology, an overall closure score would be developed by comparing a weighted average for three criteria scores (facility usage, location, and building condition) to the fourth criterion score (building operating cost). The circuit judicial councils, which have the statutory authority to determine whether court accommodations are necessary (28 U.S.C. § 462(b)), would then determine if a facility should be recommended for closure. The Conference adopted the Committee's recommendation.

U.S. COURTS DESIGN GUIDE

The Committee has been conducting a comprehensive review of the *U.S. Courts Design Guide* to identify revisions that would control costs without affecting functionality. In September 2005, the Judicial Conference approved several Phase I revisions to the *Design Guide* pertaining to court office space but recommitted for further Committee consideration proposed revisions pertaining to chambers suites (JCUS-SEP 05, p. 39). For this session, the Committee recommended modified Phase I revisions for chambers suites, as well as Phase II technical revisions concerning public space or atria, raised or access flooring, and acoustics. The Conference adopted the Phase II technical revisions as recommended and, after discussion, adopted the newly recommended Phase I chambers suites

revisions, with further modifications to the standards for ranges of shelving in judges' chambers.

APPELLATE CHAMBERS IN LEASED SPACE

Concerned about the cost and security implications of providing chambers for circuit judges in leased space, the Committee recommended, and the Conference agreed to adopt, the following policy:

- a. If a new circuit judge is appointed in a locale within a normal commuting distance of an existing courthouse or court facility with space available for a circuit judge, that space (rather than private leased space) should be assigned to the new circuit judge. If more than one chambers is available in the court facility, the new circuit judge may select among the available chambers.
- b. If the available chambers does not contain adequate square footage to accommodate the new circuit judge and five staff members, or if there are not private offices for four law clerks, a proposed alternative consistent with the standards of the *U.S. Courts Design Guide* may be considered by the circuit judicial council to the extent funding is available.

LEASE CONSTRUCTION

Noting that lease construction as a method for building court facilities raises space planning and monetary concerns, the Committee on Space and Facilities recommended, and the Judicial Conference agreed to, the following:

- a. That circuit judicial councils be advised that lease-construct projects, including those that were approved by a circuit judicial council prior to the adoption of the Conference's budget check process in September 2004 and that have experienced cost increases since estimates were initially developed by GSA, are subject to the budget check process; and
- b. That a qualified construction manager be hired by the judiciary to monitor each lease-construct project during design and construction.

COMMITTEE ACTIVITIES

The Committee on Space and Facilities reported that it considered and notified the Budget and Executive Committees of its decisions on several requests for exceptions and exemptions to the space moratoria and budget check process. In addition, the Committee reaffirmed its support for the proposal to seek a separate appropriation for rent. (Subsequently, the Budget Committee declined to pursue this proposal (see *supra*, “Committee Activities,” p. 11)).

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

March 14, 2006

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

APPENDIX

RESOLUTIONS HONORING ADMINISTRATIVE OFFICE DIRECTOR

COMMITTEE ON THE ADMINISTRATIVE OFFICE

In recognition of twenty years of distinguished service to the federal judiciary, we, the Committee on the Administrative Office, express our sincere appreciation to Leonidas Ralph Mecham, Director of the Administrative Office of the United States Courts. A remarkable man of remarkable achievement, under Director Mecham's stewardship, the federal courts have enjoyed a golden age of judicial administration.

During his tenure as the longest-serving director of the Administrative Office, Director Mecham transformed federal judicial administration through the force of his vision and leadership, reinventing the Administrative Office to improve its service to the federal judiciary. Since he became Administrative Office Director in 1985, Director Mecham has launched countless successful initiatives in support of the independence and quality of the judicial branch, to assist federal judges and judicial employees, and to promote the effectiveness of court operations. His program of decentralizing administrative authorities to the courts has empowered chief judges and court executives by providing them with greater local administrative control, flexibility, and accountability, which, in turn, has resulted in better service to the public and savings to the taxpayers.

He has improved Administrative Office relations with judges and court staff by working closely with the federal judges' professional associations and by establishing court advisory groups, composed of court executives and judges, to provide feedback and advice on important issues. He has also emphasized the key roles played by bankruptcy judges and magistrate judges and has worked to increase their participation in the judiciary's policy making processes.

Over the course of his service, Ralph Mecham has shown exceptional leadership on legislative and budgetary matters, successfully obtaining funding for judiciary operations and courthouses in the face of continuing fiscal austerity. He was the driving force in attaining funding and approval for the Thurgood Marshall Federal Judiciary Building. He has improved court business processes and service to the public by championing the innovative use of information technology, particularly through the creation of a judiciary-wide data

communications network and the provision of electronic case filing and remote public access to court records.

Ralph Mecham has worked tirelessly to improve the quality of judges' and judiciary employees' lives by improving personal security for judges and their families, strengthening courthouse security, improving emergency response capability, fighting for fair compensation for judicial officers and executives, developing a ground-breaking benefits program, and protecting judges aged 65 and older from drastic increases in their life insurance premiums.

Therefore, in recognition of his courageous leadership and twenty years of dedicated service to the Judicial Conference, judges, and the entire judicial family, and in recognition of his outstanding accomplishments that have made an indelible contribution to the administration of justice, the Committee on the Administrative Office commends Director Leonidas Ralph Mecham.

COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM

The Judicial Conference Committee on the Administration of the Bankruptcy System commends Leonidas Ralph Mecham, Director of the Administrative Office of the United States Courts, for his assiduous and effective work on behalf of the federal judiciary for over 20 years. The Director's willingness to become personally involved in addressing major issues affecting the judiciary—as demonstrated most recently by his dedicated efforts to enhance compensation and benefits for judges, increase their personal security and that of their families, and ensure that the judicial branch receives adequate appropriations—as contributed immeasurably to the administration of the federal court system. His tenure as Director has been marked by a degree of dedication to the judiciary that has set a gold standard for all successors.

The members of the Committee express their sincere appreciation to Director Mecham for his strong, inspired support and devoted service to the judiciary.

COMMITTEE ON THE BUDGET

In appreciation and recognition of the Honorable Leonidas Ralph Mecham, the Budget Committee of the Judicial Conference extends our heartfelt appreciation for his distinguished leadership as Director of the Administrative Office of the United States Courts for nearly twenty-one years.

His outstanding guidance and direction leave an enduring legacy. His devoted and skillful leadership enabled the judiciary to carry out its mission and serve the American people. The judiciary as a whole has benefitted greatly from his keen intellect; his calm but highly effective management skills; and his personal integrity and warmth. Working with him as members of the Budget Committee has been a source of great personal pleasure and a high honor to all of us.

His contribution to the communications between the legislative and judicial branches on funding issues has greatly enhanced the stature of the judiciary's budget. The trust that now exists between these branches is a result of his openness with Congress and with Judicial Conference committee chairs. His determined defense of the independence of the Judiciary and its budget during a time of major growth in workload has been extremely effective.

To Ralph, we express our genuine and heartfelt thanks. The Budget Committee will sorely miss his gentle guidance and courageous spirit. We wish the best to him and his family and hope for many future associations with him in the years to come.

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

The Court Administration and Case Management Committee recognizes with appreciation, respect and admiration Leonidas Ralph Mecham, Director of the Administrative Office of the United States Courts from 1985 to 2006.

Appointed to the position by Chief Justice Warren E. Burger in 1985, Mr. Mecham has played a vital role in the administration of the federal court system. This Committee is intimately involved in the management and administration of the federal courts and, as such, recognizes the tremendous accomplishments of Mr. Mecham as Director of the Administrative Office. Mr. Mecham has set a standard

of skilled leadership and earned our deep respect and sincere gratitude for his innumerable contributions. The Committee acknowledges with appreciation his commitment and dedicated service to the Judicial Conference and the entire federal judiciary. He will be greatly missed.

COMMITTEE ON INFORMATION TECHNOLOGY

The Judicial Conference Committee on Information Technology recognizes with grateful appreciation Leonidas Ralph Mecham for his years of dedicated service to the judiciary.

As Director of the Administrative Office, Mr. Mecham has played a pivotal role in assisting this Committee to fulfill its charter of providing policy recommendations, planning, and oversight of the judiciary information technology program. Under his management, the data communications network connected the entire judiciary, electronic systems revolutionized case management, and unparalleled efforts were made to meet the information privacy and security needs of judges.

We acknowledge Mr. Mecham's lasting contribution to the judiciary's information technology program, resulting from his exemplary leadership, the dedication of scarce resources, tireless management, and determination. We extend our heartfelt thanks and gratitude for his matchless efforts.

COMMITTEE ON THE JUDICIAL BRANCH

The Committee on the Judicial Branch recognizes Administrative Office Director Leonidas Ralph Mecham for his commitment to excellence and for his leadership of the Administrative Office of the U.S. Courts.

Since his appointment in 1985, Director Mecham has devoted tireless energy in support of the independence of the judicial branch and the advancement of judicial administration. Working with the Judicial Conference and its committees, Director Mecham decentralized administrative authorities to the courts, shaped the Administrative Office into an outstanding service organization, and tirelessly pursued increased appropriations, judgeships, courthouses, improved compensation and benefits, enhanced security, and other issues of concern to the judicial branch.

March 14, 2006

In recognition of service to the judiciary and his many accomplishments that have improved the lives of judges and judicial employees, the Committee on the Judicial Branch commends Director Leonidas Ralph Mecham.

COMMITTEE ON SPACE AND FACILITIES

The Judicial Conference Committee on Space and Facilities, by unanimous resolution, commends with deep appreciation and respect the 20 years of distinguished and dedicated service to the federal judiciary of Leonidas Ralph Mecham, Director of the Administrative Office of the U.S. Courts.

Beginning in July 1985, Director Mecham tirelessly pursued and successfully revived a court space and facilities program through new construction and major renovations, which considerably improved the administration of justice and court operations. During his tenure, 68 new courthouses were constructed nationwide. Twenty more are now in the planning or design stages due to Director Mecham's personal commitment to the facilities needs of the courts. The Committee praises his outstanding commitment and unparalleled achievements to the space and facilities program upon his retirement.

* * * * *

RESOLUTION HONORING ADMINISTRATIVE OFFICE ASSOCIATE DIRECTOR

By unanimous resolution, the Committee on the Administrative Office recognizes the accomplishments and contributions to the judicial branch of Clarence A. "Pete" Lee, Jr.

Mr. Lee has served the Administrative Office in a number of important positions, but most notably as the Administrative Office's "second-in-command," providing Director Leonidas Ralph Mecham with cogent advice and overseeing the day-to-day operations of the agency.

Pete Lee has a remarkable understanding of the workings of government institutions and human behavior, that, combined with a creative and insightful intellect, have made him a force for progress and innovation in improving the operations of the Administrative Office and of the federal courts. He has been a leader in

organizational reform, enhancing financial, planning, evaluation, human resources, facilities, and information technology systems and practices.

Since the creation of the Committee on the Administrative Office in 1989, Mr. Lee has provided valuable information and insight into the Administrative Office's support of the judiciary, and has welcomed and encouraged the advice and input of this Committee in order to improve the Administrative Office's service to judges and the courts.

The Committee hereby commends Administrative Office Associate Director Clarence A. Lee, Jr., for nearly forty years of service to the federal government, including eighteen years of stellar service to the federal judiciary.

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