

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

March 16, 2021

The Judicial Conference of the United States convened by teleconference on March 16, 2021, 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 participated:

First Circuit:

Chief Judge Jeffrey R. Howard
Chief Judge Gustavo A. Gelpí, Jr.,
District of Puerto Rico

Second Circuit:

Chief Judge Debra Ann Livingston
Chief Judge Stefan R. Underhill,
District of Connecticut

Third Circuit:

Chief Judge D. Brooks Smith
Chief Judge Freda L. Wolfson,
District of New Jersey

Fourth Circuit:

Chief Judge Roger L. Gregory
Judge John Bailey,
Northern District of West Virginia

Fifth Circuit:

Chief Judge Priscilla Richman Owen
Chief Judge S. Maurice Hicks, Jr.,
Western District of Louisiana

Sixth Circuit:

Chief Judge Ransey Guy Cole, Jr.
Judge Michael H. Watson,
Southern District of Ohio

Seventh Circuit:

Chief Judge Diane S. Sykes
Chief Judge Rebecca R. Pallmeyer,
Northern District of Illinois

Eighth Circuit:

Chief Judge Lavenski R. Smith
Chief Judge John R. Tunheim,
District of Minnesota

Ninth Circuit:

Chief Judge Sidney R. Thomas
Judge Rosanna Malouf Peterson,
Eastern District of Washington

Tenth Circuit:

Chief Judge Timothy M. Tymkovich
Judge Claire V. Eagan,
Northern District of Oklahoma

Eleventh Circuit:

Chief Judge William H. Pryor, Jr.
Chief Judge Scott Coogler,
Northern District of Alabama

District of Columbia Circuit:

Chief Judge Srikanth Srinivasan
Chief Judge Beryl A. Howell,
District of Columbia

Federal Circuit:

Chief Judge Sharon Prost

Court of International Trade:

Chief Judge Timothy Stanceu

Also participating in this session of the Conference were Judge Thomas M. Hardiman, chair of the Judicial Conference Committee on Information Technology, Judge David W. McKeague, chair of the Judicial Conference Committee on Judicial Security, Judge John W. Lungstrum, chair of the Judicial Conference Committee on the Budget, Chief Judge Rodney W. Sippel, chair of the Judicial Conference Committee on the Judicial Branch, and Chief Bankruptcy Judge Jeffery P. Hopkins and Magistrate Judge Nannette A. Baker, as the bankruptcy judge and magistrate judge observers, respectively. Betsy Paret of the District of Columbia Circuit represented the circuit executives.

Participating from the Administrative Office of the United States Courts were Judge Roslynn R. Mauskopf, Director; Lee Ann Bennett, Deputy Director; Sheryl L. Walter, General Counsel; Katherine H. Simon, Secretariat Officer, and WonKee Moon, Supervisory Attorney Advisor, Judicial Conference Secretariat; David T. Best, Legislative Affairs Officer; and David A. Sellers, Public Affairs Officer. John S. Cooke, Director, and Clara J. Altman, Deputy Director, Federal Judicial Center, as well as Judge Charles R. Breyer, Commissioner, and Kenneth P. Cohen, Staff Director, United States Sentencing Commission, also participated, as did Jeffrey P. Minear, Counselor to the Chief Justice, and Ethan V. Torrey, Supreme Court Legal Counsel.

Acting Deputy Attorney General John P. Carlin addressed the Conference on matters of mutual interest to the judiciary and the Department of Justice. Senators Dick Durbin, Sheldon Whitehouse, Patrick Leahy, and Cindy Hyde-Smith and Representatives Jerrold Nadler, Hank Johnson, Darrell Issa, and Steve Womack spoke on matters pending in Congress of interest to the Conference.

REPORTS

Judge Mauskopf reported to the Judicial Conference on the judicial business of the courts and on matters relating to the Administrative Office. Mr. Cooke spoke to the

Conference about Federal Judicial Center programs, and Judge Breyer reported on United States Sentencing Commission activities. Judge Thomas M. Hardiman, chair of the Committee on Information Technology, also presented a special report on information technology security, and Judge David W. McKeague, chair of the Committee on Judicial Security, presented a special report on judicial security.

ELECTION

The Judicial Conference elected to the Board of the Federal Judicial Center, for a term of four years, Chief Judge Mildred Cabán, United States Bankruptcy Court for the District of Puerto Rico, and Magistrate Judge Anthony Porcelli, United States District Court for the Middle District of Florida, to succeed Magistrate Judge Tim A. Baker, United States District Court for the Southern District of Indiana, and Judge Barbara J. Houser, United States Bankruptcy Court for the Northern District of Texas.

EXECUTIVE COMMITTEE

TEMPORARY EXCEPTIONS TO HUMAN RESOURCES POLICIES

In April 2020, the Executive Committee acted on behalf of the Judicial Conference on an expedited basis to approve three temporary exceptions to Judicial Conference human resources policies to address the impact of the Coronavirus Disease 2019 (COVID-19) pandemic on the federal judiciary, with each set to expire December 31, 2020 (JCUS-SEP 2020, pp. 10-12). Due to continued issues related to COVID-19, the Committee on Judicial Resources recommended that the Executive Committee act on behalf of the Judicial Conference on an expedited basis to extend each temporary exception to allow greater flexibility during the response to the pandemic. Approving the Judicial Resources Committee's recommendations, the Executive Committee:

Time Limits for Term and Temporary Appointments. Authorized a waiver of the four-year limitation on term and temporary appointments under September 2007 and March 2011 Judicial Conference policy for employees whose appointments have expired or will expire during the pandemic, to allow extensions of their term or temporary appointments not to exceed September 30, 2021, upon a finding by the appointing officer that hiring a replacement prior to this date is not feasible due to COVID-19.

Mandatory Background Checks. Authorized the use of Federal Bureau of Investigation National Crime Information Center checks in lieu of fingerprint checks when conducting a background check for new and transferring employees for sensitive positions under September 2002 Judicial Conference policy, through September 30, 2021, due to health and safety concerns resulting from COVID-19.

Limitation on Law Enforcement Officer Reemployed Annuitants. Authorized an additional one-year reemployment period for law enforcement officers serving as reemployed annuitants under March 2009 Judicial Conference policy whose appointment expires on or before September 30, 2021, upon a finding by the chief district judge that a robust recruitment process cannot be conducted due to COVID-19.

RESOLUTIONS

Outgoing Committee Chair. The Judicial Conference approved a recommendation of the Executive Committee to adopt the following resolution recognizing the substantial contributions made by the outgoing chair of the Judicial Conference Committee on Judicial Resources, whose term of service ended in January 2021:

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

HONORABLE ROSLYNN R. MAUSKOPF
Committee on Judicial Resources

Appointed as committee chair by the Chief Justice of the United States, this outstanding jurist has played a vital role in the administration of the federal court system. This judge served with distinction as a leader of her Judicial Conference committee while, at the same time, continuing to perform her duties as a judge in her own court. She has set a standard of skilled leadership and earned our deep respect and sincere gratitude for her innumerable contributions. We acknowledge with appreciation her commitment and dedicated service to the Judicial Conference and to the entire federal judiciary.

Director of the Administrative Office. On recommendation of the Executive Committee, the Judicial Conference approved a resolution in recognition of James C. Duff’s service as the Director of the Administrative Office from 2015-2021.

JUDICIARY STRATEGIC PLANNING

Strategic Plan Priorities. The *Strategic Plan for the Federal Judiciary (Plan)*, updated by the Judicial Conference in September 2020, identifies strategies and goals to enable the federal judiciary to continue as a model in providing fair and impartial justice (JCUS-SEP 2020, pp. 13-14). The approach to strategic planning, approved by the Conference when the *Plan* was first adopted in 2010, provides for the identification, every two years, of strategies and goals from the *Plan* that should receive priority attention. These priorities are identified by the Executive Committee, with suggestions from Conference committees (JCUS-SEP 2010, pp. 5-6).

At its February 2021 meeting, the Executive Committee considered suggestions from Conference committees regarding which strategies and goals should receive priority attention in the next two years. The Committee noted that committees’ suggested priorities underlined the judiciary’s commitment to the delivery of fair and impartial justice and emphasized other key areas of concern, including transparency and accountability, resource management, workplace diversity, workplace conduct, security (including cybersecurity), criminal defense, and communications, outreach, and civics education. After reviewing the input from Judicial Conference committees, the Executive Committee added seven new strategies (1.3, 2.1, 2.4, 4.1, 4.3, 6.3 and 7.1, asterisked below), and affirmed four strategies and one goal previously identified, to establish the following twelve priorities for the next two years:

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|----------------------|--|
| Strategy 1.1 | Pursue improvements in the delivery of fair and impartial justice on a nationwide basis. |
| Strategy 1.2 | Secure resources that are sufficient to enable the judiciary to accomplish its mission in a manner consistent with judiciary core values. |
| Strategy 1.3* | Strengthen the protection of judges, court employees, and the public at court facilities, and of judges and their families at other locations. |

- Strategy 2.1*** Assure high standards of conduct and integrity for judges and employees.
- Strategy 2.4*** Encourage involvement in civics education activities by judges and judiciary employees.
- Strategy 3.1** Allocate and manage resources more efficiently and effectively.
- Strategy 4.1*** Recruit, develop, and retain a talented, dedicated, and diverse workforce, while defining the judiciary’s future workforce requirements.
- Strategy 4.3*** Ensure an exemplary workplace free from discrimination, harassment, retaliation, and abusive conduct.
- Strategy 5.1** Harness the potential of technology to identify and meet the needs of judiciary users for information, service, and access to the courts.
- Goal 5.1d** Refine and update security practices to ensure the confidentiality, integrity, and availability of judiciary-related records and information. In addition, raise awareness of the threat of cyberattacks and improve defenses to secure the integrity of judiciary IT systems.
- Strategy 6.3*** Promote effective administration of the criminal defense function in the federal courts.
- Strategy 7.1*** Develop and implement a comprehensive approach to enhancing relations between the judiciary and Congress.

Crisis Preparedness. The Executive Committee also agreed that the strategic planning process would be an effective mechanism for coordinating Conference committee planning to prepare the judiciary for future pandemics, natural disasters, and other crises that threaten to significantly impact the work of the courts.

TRIBAL ISSUES

The Executive Committee approved changes to the jurisdictional statement of the Committee on Federal-State Jurisdiction to explicitly incorporate responsibility for analyzing tribal, Native, or Indigenous issues as they relate to federal jurisdiction and to designate the committee as the conduit for communication on matters of mutual concern between the federal judiciary and tribal courts. The changes, which were made after consultation with the Committees on Court Administration and Case Management, Criminal Law, Defender Services, Federal-State Jurisdiction, Judicial Resources, the Administration of the Magistrate Judges System, and Space and Facilities regarding their current involvement in tribal issues and views on the appropriateness of amending each of their jurisdictional statements, are intended to enhance how the federal judiciary addresses tribal issues and maintains relationships with tribal communities.

MISCELLANEOUS ACTIONS

The Executive Committee—

- Endorsed the Chief Justice’s selection of Judge Roslynn R. Mauskopf as the new Director of the Administrative Office.
- Reviewed the determinations of Conference committees as to whether any outstanding Conference-approved legislative proposals within their respective jurisdictions may warrant modification or rescission.
- After being briefed on significant cybersecurity breaches in the computer systems of federal agencies, endorsed, with the support of the Committees on Information Technology and Court Administration and Case Management, conducting a security audit of the CM/ECF system, and urged all courts to take specified steps to protect the security of certain highly sensitive documents maintained in CM/ECF.
- Endorsed the critical need for two programs related to judges’ physical security being pursued by the Judicial Security Committee: (1) additional staff to assist the courts’ security programs at the local level and to facilitate communications and program responsibilities between courts and judiciary security partners, as

well as the staffing and tools to assist judges in monitoring and removing their personally identifiable information from the internet; and (2) enhanced physical security features for courthouse entrances and windows.

- Approved final fiscal year (FY) 2021 financial plans for the Salaries and Expenses, Defender Services, Court Security, and Fees of Jurors and Commissioners accounts.
- Approved an adjustment to the FY 2022 budget request to reflect the Executive Committee-approved FY 2021 interim financial plans, technical adjustments, and revised Executive Branch budget guidance.
- Approved costs related to the Ninth Circuit’s 2022 and 2023 judicial conferences, pursuant to the Judicial Conference regulations on meeting planning and administration, *Guide to Judiciary Policy*, Vol. 24, Ch. 2, § 230(a)(2).
- Agreed with the determination of the Judicial Branch Committee that inflationary adjustments to judges’ maximum daily travel subsistence allowance and maximum reimbursement for the actual cost of meals were not warranted at this time (see *Guide to Judiciary Policy*, Vol. 19, Ch. 2, § 250.20.20(b)(1) and § 250.20.30).

COMMITTEE ON AUDITS AND ADMINISTRATIVE OFFICE ACCOUNTABILITY

COMMITTEE ACTIVITIES

The Committee on Audits and Administrative Office (AO) Accountability reported that it was updated on the status and results of various audits and engagements, including audits of bankruptcy debtors, the Court Registry Investment Service (CRIS), and the judiciary’s appropriations and cyclical financial audits of court units and federal public defender organizations, including the remote audit procedures being implemented in response to the COVID-19 pandemic. The Committee was briefed on the AO’s progress in addressing corrective actions relating to its contract management and in developing consolidated judiciary financial reporting and a more integrated approach to internal controls to support consolidated financial statements. In addition, the Committee responded to the request of the judiciary’s planning coordinator to provide recommendations regarding strategies and

goals in the *Strategic Plan for the Federal Judiciary* that should receive priority attention over the next two years, recommending the prioritization of those issues, strategies, and goals that emphasize accountability and oversight.

COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM

STANDARDS FOR EVALUATING BANKRUPTCY JUDICIAL RESOURCES REQUESTS

On recommendation of the Committee on the Administration of the Bankruptcy System, the Judicial Conference adopted a policy statement in 1991 regarding the standards to be used for considering requests for additional bankruptcy judgeships (JCUS-MAR 1991, pp. 12-13), and revised it in 2010 and 2011 to make non-substantive changes to those standards, add standards for evaluating requests for conversion of temporary judgeships to permanent status, and incorporate the standards it had approved for use in the biennial continuing needs surveys (JCUS-SEP 2010, pp. 8-9; JCUS MAR 2011, p. 7). To incorporate the standard that the Bankruptcy Committee has historically followed in evaluating requests for extension of a temporary bankruptcy judgeship, as well as several other edits to clarify the policy and process for evaluating different types of bankruptcy judicial resource requests, the Bankruptcy Committee at this session recommended that the Judicial Conference amend its standards for evaluating bankruptcy judicial resource requests. The Conference approved the Committee’s recommendation.

BANKRUPTCY JUDGESHIPS

The Judicial Conference conducts a biennial survey to evaluate requests for additional bankruptcy judgeships and conversion to permanent status or extension of existing temporary 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 results of the 2020 biennial survey of additional judgeship needs, the Committee on the Administration of the Bankruptcy System recommended that the Judicial Conference ask Congress to authorize two additional bankruptcy judgeships, convert 12 temporary bankruptcy judgeships to permanent status, and extend 10 temporary bankruptcy judgeships for an additional five years, as set forth below (“P” denotes permanent; “T/P” denotes conversion of temporary to permanent status; “E” denotes extension):

Puerto Rico	1 T/P, 1 E
New York (Southern)	1 P
Delaware	7 T/P
New Jersey	1 E
Maryland	1 T/P, 1 E
North Carolina (Eastern)	1 E
South Carolina	1 E
Virginia (Eastern)	1 E
Mississippi (Northern)	1 P
Michigan (Eastern)	1 T/P, 1 E
Tennessee (Eastern)	1 E
Nevada	1 E
Florida (Southern)	2 T/P
Georgia (Southern)	1 E

The Conference adopted the Committee’s recommendation.

OFFICIAL DUTY STATIONS

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 Eleventh Circuit Judicial Council to designate Orlando as the official bankruptcy judge duty station for the new temporary judgeship in the Middle District of Florida.

EXTENSION OF BANKRUPTCY STATUTORY DEADLINES

On the recommendation of the Bankruptcy Committee, the Judicial Conference rescinded its 2020 position seeking legislation that would provide bankruptcy courts with authority to extend statutory deadlines under title 11 and chapter 6 of title 28 of the United States Code during the COVID-19 national emergency, upon a finding that the emergency conditions materially affect the functioning of a particular bankruptcy court of the United States (JCUS-SEP 2020, p. 10). Recognizing that nearly all bankruptcy courts had entered general orders or taken other steps to extend statutory deadlines, the Committee noted that if Congress enacted the proposed legislation, it might be burdensome for bankruptcy courts to rescind general orders already in place and replace them with new orders pursuant to newly enacted legislation, especially if the COVID-19 national emergency declaration might be terminated in the near future (thus also terminating the authority granted by the proposed legislation).

COMMITTEE ACTIVITIES

The Committee on the Administration of the Bankruptcy System reported that it continues to consider whether to identify additional courts to participate in the bankruptcy judgeship vacancy pilot, approved by the Judicial Conference in September 2014, but decided again to defer the matter until its June 2021 meeting. Given anticipated increases in bankruptcy filings and to provide more structure and transparency for the temporary bankruptcy law clerk program, the Committee approved guidelines to oversee and govern the Administrative Office's evaluation of requests for temporary bankruptcy law clerks. In addition, the Committee continues initiatives to promote and improve diversity on the bankruptcy bench and in the bar through outreach to and education of law students and attorneys, including through the consideration of a proposal to continue judiciary-wide diversity events every three years and potentially expand them to encompass both bankruptcy and magistrate judges.

COMMITTEE ON THE BUDGET

COMMITTEE ACTIVITIES

The Committee on the Budget reported that it discussed the judiciary's overall budget outlook, the continued impact of the COVID-19 pandemic on the judiciary's budget, and the status of the judiciary's cost-containment efforts. The Committee discussed the need for the judiciary to re-energize its cost-containment program and continue to find ways to operate more efficiently, reduce costs, and slow growth. The Committee's Economy Subcommittee members decided to meet with chief district and chief bankruptcy judges in each circuit to obtain their views on potential areas for cost containment and efficiencies. Finally, the Committee discussed feedback it received through the AO's advisory process on courtroom technology funding and potential initiatives to increase understanding of funding requirements. The Committee asked its staff to work with other AO offices to consider how these initiatives may be implemented.

COMMITTEE ON CODES OF CONDUCT

GIFT REGULATIONS

On recommendation of the Committee on Codes of Conduct, the Judicial Conference adopted amended Regulations on Gifts, *Guide to Judiciary Policy*, Vol. 2, Pt. C, Ch. 6, and delegated to the Committee the authority to make non-substantive or technical amendments. The principal substantive changes include, among other things: (1) exclusion of any gift accepted pursuant to specific statutory authority from the scope of the regulations; (2) clarification that acceptance of books or other resource materials is permitted when the materials relate to official duties and acceptance does not create an appearance of impropriety; (3) expanding the range of individuals for whom a judicial officer or employee may accept a gift of travel expenses to attend law-related events; and (4) explicit permission for the occasional sharing or exchanging of hospitality, food, refreshments, and other gifts among members of the judiciary under certain specified circumstances.

COMMITTEE ACTIVITIES

The Committee on Codes of Conduct reported that since its last report to the Judicial Conference in September 2020, the Committee received 12 new written inquiries and issued 11 written advisory responses. During this period, the average response time for requests was 13 days. In addition, the Committee chair responded to 10 informal inquiries, individual Committee members responded to 161 informal inquiries, and Committee counsel responded to 644 informal inquiries, for a total of 815 informal inquiries.

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

AUDIO STREAMING PILOT PROGRAM

In March 2020, on the recommendation of the Committee on Court Administration and Case Management, the Judicial Conference authorized a two-year pilot program to evaluate district court streaming of live audio of oral arguments in civil cases of public interest, and delegated to the Committee on Court Administration and Case Management the authority to issue and amend guidelines consistent with the parameters of the pilot (JCUS-MAR 2020, p. 9). Noting that the U.S. Court of Federal Claims had expressed interest in serving as a pilot court, and that both the U.S. Court of Federal Claims and bankruptcy courts—like district courts—routinely hold proceedings that are of public interest and may attract a large audience from

throughout the country, the Committee recommended that the Judicial Conference amend the scope of the pilot program it approved in March 2020 to evaluate district court streaming of live audio in civil cases of public interest to permit the U.S. Court of Federal Claims and a limited number of bankruptcy courts to participate. The Conference approved the Committee’s recommendation.

MISCELLANEOUS FEE SCHEDULES

The insufficient funds fee, set forth at Item 8 of the District Court and Appellate Court Miscellaneous Fee Schedules, Item 13 of the Bankruptcy Court Miscellaneous Fee Schedule, Item 7 of the Court of Federal Claims Fee Schedule, and Item 5 of the Judicial Panel on Multidistrict Litigation Fee Schedule, permits a court to charge \$53 for “any payment returned or denied for insufficient funds.” However, reversals of credit card transactions due to chargebacks can generate the same administrative inconvenience to the judiciary of having to re-initiate collection efforts. To update this fee to account for more modern financial transaction technologies, the Court Administration and Case Management Committee recommended, and the Judicial Conference approved, amending the District, Appellate, Bankruptcy, Court of Federal Claims, and Judicial Panel on Multidistrict Litigation Miscellaneous Fee Schedules to clarify when courts may charge a fee for insufficient funds, as follows (new language underlined):

For any payment returned or denied for insufficient funds, or reversed due to a chargeback, \$53.

BANKRUPTCY NOTICING

In September 2020, the Judicial Conference, on the recommendation of the Committee on Rules of Practice and Procedure, approved an amendment to Federal Rule of Bankruptcy Procedure 9036 that would, in most circumstances, subject high-volume paper notice recipients to mandatory electronic noticing (JCUS-SEP 2020, p. 35). For consistency with the rules amendment’s objectives of maximizing electronic noticing and reducing the judiciary’s printing and mailing costs, the Court Administration and Case Management Committee recommended, with the concurrence of the Committee on the Administration of the Bankruptcy System, that the Judicial Conference seek an amendment to 11 U.S.C. § 342(f) to clarify that bankruptcy notice recipients may only designate an electronic address for noticing under that statute in all Chapter 7 and 13 cases. The Conference adopted the Committee’s recommendation.

ELECTRONIC PUBLIC ACCESS FEE EXEMPTION

Section 9 of the Electronic Public Access (EPA) Fee Schedule permits courts to exempt from PACER user fees “individual researchers associated with educational institutions” if the court finds, *inter alia*, that a researcher’s defined research project is “limited in scope.” Recently, the Committee observed the inconsistent application of the “limited in scope” requirement of the exemption policy following the increased submission of exemption requests encompassing hundreds of thousands of cases or documents resulting from advancements in data aggregation algorithm generation. To clarify this requirement, the Committee accordingly recommended that the Judicial Conference define “limited in scope” for the purposes of the academic research exemption to mean “narrowly tailored to meet the needs of the defined research project,” noting that this would help preclude researchers from requesting access to voluminous PACER documents to review for the purposes of then defining a research project; rather, researchers would be required to limit their requests to the amount of data needed for pre-defined research projects. The Conference approved the Committee’s recommendation, amending Section 9 of the EPA Fee Schedule as follows (new language underlined):

- (9) Discretionary Fee Exemptions:
[...]
- In considering granting an exemption, courts must find:
 - that those seeking an exemption have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information;
 - that individual researchers requesting an exemption have shown that the defined research project is intended for scholarly research, that it is limited in scope, and that it is not intended for redistribution on the internet or for commercial purposes. A request is limited in scope if the amount of exempt access requested is narrowly tailored to meet the needs of the defined research project.

JUROR UTILIZATION

On the recommendation of the Court Administration and Case Management Committee, the Judicial Conference extended by two years, to March 2023, the pilot project it approved in March 2019 to test the effectiveness of measuring juror utilization through panel-size benchmarks (JCUS-MAR 2019, pp. 14-15), because of the significant reduction in jury trials and the modification of summoning procedures resulting from the COVID-19 pandemic. The Committee noted that data received from pilot courts in recent months as well as in the foreseeable future would not reflect typical juror utilization rates, and expressed hope that the extension would allow the pilot project time to collect additional data better reflective of typical juror utilization rates.

COMMITTEE ACTIVITIES

The Court Administration and Case Management Committee reported that it established a diversity and inclusion subcommittee and discussed possible initiatives the Committee, on its own and in partnership with other committees, could pursue to promote diversity within the judiciary. The Committee also endorsed further study of an approach to simplify the records disposition schedules, which would apply a uniform retention period to the judiciary's temporary records, and plans to work with the Administrative Office, the clerks advisory groups, and National Archives and Records Administration to develop an appropriate proposal. Finally, the Committee was briefed on the AO's new interagency agreement with 18F, a digital consultancy within the General Services Administration's Federal Acquisition Service, to perform an independent assessment of NextGen CM/ECF and provide a prioritized roadmap with recommendations for the future.

COMMITTEE ON CRIMINAL LAW

REVOCATION AND REIMPOSITION OF SPECIAL TERMS OF SUPERVISED RELEASE

When modifying an imposed term of imprisonment based on a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A), a court “may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment” (often referred to as a “special

term”). However, the statute does not include any explicit provision for revoking a special term or any penalty provision for individuals whose special terms are revoked, nor does it incorporate by reference the authority granted to courts by § 3583 of the same Title to revoke and reimpose a term of supervised release imposed at original sentencing. The Committee on Criminal Law expressed concern that without a clear and workable remedy for violations of supervision conditions, courts and probation offices may be unable to impose and execute terms of supervised release in a manner that effectively protects the community. It therefore recommended, and the Judicial Conference approved, seeking an amendment to 18 U.S.C. § 3582(c)(1)(A) to explicitly authorize a court to revoke and reimpose a special term of supervised release imposed under this provision, by incorporating § 3583(e)(3) by reference.

PROFITING FROM A CRIME

On the recommendation of the Committee on Criminal Law, the Judicial Conference rescinded its September 2006 position supporting legislation that would establish “not profiting from a crime” as a mandatory condition of probation and of supervised release and supporting similar legislation (to the extent it relates to the federal courts and the administration of justice) to prevent criminals from profiting from their crimes (JCUS-SEP 2006, p. 17). The Committee noted that judges can already impose this type of condition on an individualized basis under current law, and that the Judicial Conference has approved changes to policies and procedures in recent years to reduce the number of conditions of supervision applicable in all cases.

LENGTH OF TERM OF SUPERVISED RELEASE

On the recommendation of the Committee on Criminal Law, the Judicial Conference rescinded its September 2006 position seeking an amendment to 18 U.S.C. § 3583(b) to give the court authority to impose a longer term of supervised release, based on specific findings, if the unusual circumstances of a case indicate that a longer term is needed to rehabilitate the offender, protect society, and otherwise serve the interest of justice (JCUS-SEP 2006, p. 17). The Committee noted that extended periods of supervised release are already available for many offenses under current law, that courts have other tools to adjust the length of supervised release terms as needed to promote public safety, and that social science research indicates that the recidivism risk of persons under supervision decreases over time.

COMMITTEE ACTIVITIES

The Committee on Criminal Law reported that it has continued to provide regular updates and guidance to the courts regarding the operational status of the probation and pretrial services system, Bureau of Prisons (BOP), and U.S. Marshals Service during the COVID-19 pandemic. Additionally, the Judiciary-BOP Working Group, which includes members from the Criminal Law Committee and other Judicial Conference committees, has continued to hold biweekly meetings to discuss the impact of the pandemic on operations within the BOP, Department of Justice, and probation and pretrial services system, and on criminal proceedings in the courts. Topics discussed have included changes to safety protocols in prisons and the probation and pretrial services system, the ability of BOP facilities to execute sentences (e.g., the ability to accept newly sentenced defendants in prisons and the impact on programming), the expanded use of home confinement and compassionate release, efforts to expand the capacity of private residential reentry center providers that contract with the BOP to supervise more inmates on prerelease home confinement, data sharing to help the probation and pretrial services system anticipate workload, access to BOP medical records in compassionate release cases, and the status of remote and in-person criminal proceedings in the courts during the pandemic.

COMMITTEE ON DEFENDER SERVICES

COMMITTEE ACTIVITIES

The Committee reported that it continued to discuss the impact of the COVID-19 pandemic on representation under the Criminal Justice Act (CJA). The Committee discussed the importance of including federal defenders and CJA panel attorneys in vaccination priority groups in order to facilitate the resumption of their critical work and reiterated its view that courts must consult with representatives from the CJA community when making decisions about resuming in-person proceedings. In addition, the Committee received an update on recent activities to promote diversity in the Defender Services program, including steps taken to develop operational guidelines for the Defender Services Diversity Fellowship Program, which is scheduled to begin in FY 2022. The Committee also received an update on the impact of the Supreme Court's decision in *McGirt v. Oklahoma*, 591 U.S. ___ (2020), which will necessitate increased resources for the Defender Services program, particularly in the Northern and Eastern Districts of Oklahoma. The Committee adopted revisions to the *CJA 23 Financial Affidavit Form*, as well as a set of instructions regarding the use

of the form, to assist courts in determining a defendant’s eligibility for appointed counsel under the CJA. Finally, the Committee reviewed proposed changes to its recommended Model Employment Dispute Resolution Plan for Federal Public Defender Organizations and provided input to the Judicial Resources Committee.

COMMITTEE ON FEDERAL-STATE JURISDICTION

COMMITTEE ACTIVITIES

The Committee on Federal-State Jurisdiction reported that it received reports from the Federal Judicial Center on a survey regarding attorneys’ choice of forum between state and federal court, as well as from Ohio Chief Justice Maureen O’Connor on state courts’ efforts to adjust to conditions caused by the pandemic and to prepare for the resulting backlog of cases. The Committee was briefed on legislative matters of interest, including immigration reform, administrative law reform, and the “Copyright Alternative in Small-Claims Enforcement Act.” In addition, the Committee discussed the impact of *McGirt v. Oklahoma*, 591 U.S. __ (2020), on federal, state, and tribal court jurisdiction in Oklahoma and the potential for similar circumstances elsewhere.

COMMITTEE ON FINANCIAL DISCLOSURE

COMMITTEE ACTIVITIES

The Committee on Financial Disclosure reported that it was updated on efforts to develop and implement a new electronic financial disclosure system, including continued efforts to explore and apply fresh performance management approaches in its oversight of the project. The Committee approved updating the financial disclosure regulations in the *Guide to Judiciary Policy*, Volume 2, Part D, to take into account a 2017 change to the salary levels for part-time magistrate judges after making the determination that part-time magistrate judges in salary level 5 are not reasonably expected to perform the duties of the office for more than 60 days in a calendar year, and are therefore not required to file annual financial disclosure reports. The regulations were also updated to reflect a January 1, 2020 increase in the minimal value for reporting gifts and reimbursements to \$415, with the need to aggregate gifts valued at more than \$166 to meet the \$415 threshold. In addition, the Committee approved changes to the filing instructions and the standard paragraphs used in correspondence to filers to conform with prior updates to the filing instructions

regarding the threshold for reporting assets and the timeline for filing final reports. As of December 1, 2020, the Committee had received 4,359 financial disclosure reports and certifications for calendar year 2019 (out of a total of 4,577 required to file), including 1,298 annual reports and certifications from Supreme Court justices and Article III judges; 324 annual reports from bankruptcy judges; 585 annual reports from magistrate judges; 1,598 annual reports from judicial employees; and 554 reports from nominee, initial, and final filers.

COMMITTEE ON INFORMATION TECHNOLOGY

COMMITTEE ACTIVITIES

The Committee on Information Technology reported that it continued its discussion on the challenges with ensuring that critical IT operations are sustained given that most centrally managed IT requirements are treated as discretionary in the financial plan. The Committee also discussed the newly proposed IT infrastructure formula, concurred with plans to post an exposure draft to seek feedback from the court community, and expects to consider this feedback and any recommendations from the IT Advisory Council at its next meeting. Finally, the Committee discussed whether to grant local IT administrators data access rights so that they could have the ability to manage local mailbox permissions in the same manner they could with the old Lotus Notes email system. Noting concerns about privacy and security, as well as only a modest demand for local IT administrator data access rights, the Committee tabled the discussion.

COMMITTEE ON INTERCIRCUIT ASSIGNMENTS

COMMITTEE ACTIVITIES

The Committee on Intercircuit Assignments reported that 94 Article III judges undertook 116 intercourt assignments from July 1, 2020, to December 31, 2020. During this time, the Committee continued to disseminate information about intercourt assignments and aided courts requesting assistance by identifying and obtaining judges willing to take assignments. The Committee also reviewed and concurred with nine proposed intercourt assignments of bankruptcy judges and 15 of magistrate judges.

COMMITTEE ON INTERNATIONAL JUDICIAL RELATIONS

COMMITTEE ACTIVITIES

The Committee on International Judicial Relations reported on virtual international rule of law work that was supported by federal judges from April through November 2020. At the Committee’s November 2020 meeting—at the request of various federal agencies responsible for international rule of law programs abroad—a panel discussion allowed judges to share experiences from their courts about how the federal judiciary has been responding to the pandemic. The Committee also facilitated a dialogue with agency liaisons about their work during the pandemic, prospective programmatic plans, and communications from foreign judiciaries. In addition, the Committee engaged in a dialogue with senior representatives of the Department of Justice regarding a series of long-term partnership initiatives on judicial capacity building.

COMMITTEE ON THE JUDICIAL BRANCH

THRIFT SAVINGS PLAN

On the recommendation of the Committee on the Judicial Branch, the Judicial Conference rescinded its March 2000 position seeking an amendment to 5 U.S.C. § 8433 to permit all Thrift Savings Plan (TSP) participants to withdraw their funds without restriction when they reach retirement age (JCUS-MAR 2000, p. 19). The Committee noted that the Federal Retirement Thrift Investment Board (which administers the TSP) implemented additional withdrawal options to accommodate pre-retirement needs effective September 2019, thus achieving the underlying objective of the legislative proposal by non-legislative means and rendering the proposal unnecessary.

RETIREMENT OF TERRITORIAL DISTRICT COURT JUDGES

On the recommendation of the Committee on the Judicial Branch, the Judicial Conference rescinded its March 1993 position seeking legislation to equalize the disability retirement benefits of territorial district judges with those of bankruptcy, magistrate, and Court of Federal Claims judges, and to provide annual cost-of-living adjustments in the annuities paid to all retired territorial district judges (JCUS-MAR 1993, p. 16). The Committee noted that these issues are subsumed within a broader

legislative position adopted by the Judicial Conference in September 2019, seeking amendments to 28 U.S.C. § 373 to make the retirement benefits of territorial district court judges similar to those of Court of Federal Claims judges (JCUS-SEP 2019, p. 16).

JUDGES' TRAVEL REGULATIONS

The Judicial Conference approved amendments and clarifications recommended by the Committee on the Judicial Branch to the Travel Regulations for Justices and Judges, *Guide to Judiciary Policy (Guide)*, Vol. 19, Ch. 2. The substantive changes include: (1) clarifying that the home-to-work transportation provisions may include certain highly unusual circumstances in addition to disability; (2) clarifying that all reimbursement claims submitted, regardless of timeliness of submission, will be reimbursed without need to seek an exception and that claims submitted more than 90 days after the conclusion of official travel will be treated as taxable income; (3) raising the percentage of the General Services Administration per diem up to which judges can itemize expenses from 150 percent to 200 percent; and (4) consolidating the Safe Haven provisions with those of the Judiciary Staff Travel Regulations, *Guide*, Vol. 19, Ch. 4, into a new chapter of Vol. 19. The amendments make additional minor clarifications and formatting changes.

COMMITTEE ACTIVITIES

The Committee on the Judicial Branch reported that the chair and a member, along with a representative from the Budget Committee, provided a briefing about the federal judiciary as part of the U.S. House of Representatives New Member Orientation in November 2020. In addition, the Committee discussed changes in the House and Senate Judiciary Committees in the 117th Congress and how that might affect the legislative outlook for the next Congress. The Committee continued its discussions about ways to counter inaccurate portrayals of the judiciary as a political institution and strengthen trust in our institutions and was briefed by its new Subcommittee on the Federal Judiciary about its discussions regarding these concerns. Finally, the Committee was briefed on civics education activities across the judiciary, including ways such events have been modified to continue in a distance learning environment.

Delaware	2P
New Jersey	5P
North Carolina-Western	1T/P
Texas-Eastern	2P, 1T/P
Texas-Southern	4P
Texas-Western	6P
Indiana-Southern	2P
Iowa-Northern	1P
Missouri-Eastern	1T/P
Arizona	4P, 1T/P
California-Northern	5P
California-Eastern	4P
California-Central	15P, 1T/P
California-Southern	6P
Idaho	1P
Colorado	2P
Kansas	1T/P
New Mexico	1P, 1T/P
Alabama-Northern	1 T/P
Florida-Northern	1P
Florida-Middle	7P
Florida-Southern	3P, 1T/P
Georgia-Northern	2P

Judgeship Vacancies. As part of the 2021 biennial survey of judgeship needs, the Committee also reviewed workloads in appellate and district courts with consistently low per-judgeship caseloads 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 not filling the next judgeship vacancy in the Court of Appeals for the Tenth Circuit, the Western District of Oklahoma, and the District of Wyoming, based on consistently low per-judgeship caseload.

LEAVE ACT COVERAGE FOR TERM LAW CLERKS

Term law clerks are exempt from the provisions of the Annual and Sick Leave Act of 1951 (“Leave Act”) unless specifically included by their appointing judge or by local rule. For law clerks covered by the Leave Act, courts are required to account for their daily hours of work and absences, and at the conclusion of their terms, pay them for any unused annual leave. In 2004, the Judicial Conference approved a policy

discouraging judges from placing term law clerks under the Leave Act as one of a number of recommendations to address the rising cost of term law clerk salaries and benefits (JCUS-MAR 2004, pp. 19-20; JCUS-SEP 2007, pp. 25-26). In 2019, Congress enacted the Federal Employee Paid Leave Act, which provides federal civilian employees, including Judicial Branch employees covered under the Family Medical Leave Act of 1993 (FMLA), 12 administrative workweeks of paid parental leave in connection with the qualifying birth, adoption, or foster care placement of a child. Paid parental leave is only provided in connection with the FMLA and law clerks not covered by the Leave Act are not covered under the FMLA. Given the implications of the Federal Employee Paid Leave Act on the judiciary, the AO's Human Resources Advisory Council expressed support for rescinding the policy of discouraging coverage under the Leave Act. The Committee on Judicial Resources considered the matter and recommended that the Judicial Conference rescind its policy discouraging Leave Act coverage for term law clerks (JCUS-MAR 2004, pp. 19-20; JCUS-SEP 2007, pp. 25-26). The Committee noted the neutrality of the proposed policy change, which would continue to give judges flexibility to make decisions about Leave Act coverage based on what is best for their chambers. The Judicial Conference approved the Committee's recommendation.

QUALIFICATION STANDARDS FOR CHIEF DEPUTY STAFF ATTORNEY POSITION

In March 2020, the Judicial Conference established chief deputy second-in-command positions for senior staff attorneys' offices (JCUS-MAR 2020, pp. 19-20). On the recommendation of the Committee on Judicial Resources, the Judicial Conference at this session approved qualification standards for these newly authorized positions (*Guide to Judiciary Policy*, Vol. 12, Ch. 5, Appx. 5F).

TIME-IN-GRADE REQUIREMENTS FOR COURT PERSONNEL SYSTEM AND COURT INTERPRETER POSITIONS

The Committee on Judicial Resources recommended that the Judicial Conference eliminate the time-in-grade or equivalent experience requirement for Court Personnel System (CPS) and court interpreter positions upon qualification and grade determination. To satisfy this requirement, employees in these positions must have one to two years of experience at or equivalent to the next lower CPS grade to be eligible for promotion. The Committee observed that this requirement may place internal candidates at a disadvantage for pay-setting purposes when compared to external candidates, and that removing it would recognize the value of court service by

providing the same flexibility in setting pay for external and internal applicants. This change would complement CPS promotion policy changes approved by the Judicial Conference in 2015 and 2016, which similarly allowed courts to apply the same flexibilities available for external applicants to internal applicants with respect to offering higher pay for applicants with unusually high or unique qualifications (JCUS-SEP 2015, pp. 23-24), and eliminating time-in-grade or equivalent experience requirements for Judiciary Salary Plan unit executive and second-in-command positions (JCUS-SEP 2016, p. 24). The Judicial Conference approved the Committee's recommendation.

CHAMBERS STAFF FOR CHIEF DISTRICT JUDGES

Judicial Conference guidelines authorize chief judges in districts with five or more authorized judgeships to have four chambers staff positions, and chief judges in districts with less than five authorized judgeships to have three chambers staff positions (JCUS-SEP 1979, pp. 75-76; *Guide to Judiciary Policy*, Vol. 12, Ch. 6, § 615.50). In March 2017, the Conference approved a waiver of its chambers staffing allocation policy to allow the chief district judges in the District of Delaware, the Northern District of Florida, and the Western District of New York, who were in courts with four authorized judgeships but had been recommended for a fifth judgeship by the Conference, to have an additional staff position, with terms to expire at the conclusion of their terms as chief judge (JCUS-MAR 2017, p. 18). The Judicial Conference approved a similar waiver of its chambers staffing policy in March 2018 and March 2020 to allow the incoming chief judges of the Northern District of Florida and the District of Delaware, respectively, to have an additional chambers staff position upon assuming the position of chief district judge (JCUS-MAR 2018, p. 20; JCUS-MAR 2020, pp. 18-19). The term of the current chief judge in the Western District of New York is expected to expire in July 2021. Noting that the Western District of New York continues to be recommended for a fifth judgeship and the district's workload continues to increase, the Committee on Judicial Resources recommended that the Conference approve a waiver to allow the incoming chief judge to have an additional staff position in chambers upon assuming the position of chief judge. The term of the additional staff position will expire at the conclusion of that judge's term as chief judge. The Conference approved the Committee's recommendation.

DEFENDER SERVICES NATIONAL POSITIONS

The Committee on Judicial Resources, at the request of the Committee on Defender Services, recommended that the Judicial Conference approve eight additional full-time equivalent positions for the Defender Services National Litigation Support Team, to be considered for inclusion in the judiciary’s fiscal year 2023 budget request. These additional resources will help the Defender Services National Litigation Support Team provide e-discovery training and support to CJA panel attorneys and federal defender organizations. The Judicial Conference approved the Committee’s recommendation.

STUDENT LOAN REPAYMENT PROGRAM

On the recommendation of the Committee on Judicial Resources, the Judicial Conference rescinded its March 2020 position seeking amendment of 5 U.S.C. § 5379 to authorize the judiciary to establish a student loan repayment program for Administrative Office, court, court unit, and federal public defender organization employees (JCUS-MAR 2020, p. 21), and instead agreed to seek amendment to 28 U.S.C. § 604 and any other relevant sections of Title 28 for that same purpose. The Committee noted that establishing the program under Title 28 would avoid certain potential unintended consequences of establishing the program under Title 5.

COMMITTEE ACTIVITIES

The Committee on Judicial Resources reported that, at the request of the judiciary planning coordinator, it considered which strategies and goals in the *Strategic Plan for the Federal Judiciary* should receive priority attention over the next two years, and with input from its Diversity Subcommittee, recommended the prioritization of certain strategies that align with the new core value titled, “Diversity and Respect,” the Committee’s strategic initiative on diversity, and with the Diversity Subcommittee’s mission statement. The Committee also endorsed a cross-committee meeting in the spring of 2021 to discuss and coordinate diversity, inclusion, and equity initiatives across the judiciary, which would include representatives from the Committees on the Administration of the Bankruptcy System, Court Administration and Case Management, Criminal Law, Defender Services, the Judicial Branch, and the Administration of the Magistrate Judges System.

COMMITTEE ON JUDICIAL SECURITY

COMMITTEE ACTIVITIES

The Committee on Judicial Security reported that it received an update from U.S. District Judge Esther Salas on her efforts in support of the federal judicial security and privacy legislation introduced during the 116th Congress. Moving forward, the Committee will continue to support efforts for such federal legislation and assess what tools can be developed to support the passage of similar legislation at the state level. The Committee was updated on the funding received in fiscal year 2021 for the replacement of all Home Intrusion Detection Systems currently in place as well as for the expansion of the capacity of the U.S. Marshals Service’s Office of Protective Intelligence, Open Source Intelligence Unit. Finally, upon observing the attack on the U.S. Capitol on January 6, 2021, the Committee directed staff to examine what resources could be sought to prevent similar attacks at federal courthouses.

COMMITTEE ON THE ADMINISTRATION OF THE MAGISTRATE JUDGES SYSTEM

CHANGES IN MAGISTRATE JUDGE POSITIONS

After considering the recommendations of the Committee on the Administration of the Magistrate Judges System and the views of the Administrative Office, the district court, and the circuit judicial council, the Judicial Conference agreed to redesignate the location of the full-time magistrate judge position at Pikeville or Ashland in the Eastern District of Kentucky as “Pikeville, Ashland, or Frankfort.”

COMMITTEE ACTIVITIES

The Committee reported that it considered eight cyclical district-wide magistrate judges surveys and, where appropriate, endorsed suggestions regarding the utilization of magistrate judges in these districts. Pursuant to Judicial Conference policy regarding the review of magistrate judge position vacancies (JCUS-SEP 04, p. 26), for the period between its June 2020 and December 2020 meetings, the Committee, through its chair, approved filling nine magistrate judge position

vacancies in nine district courts. At its December 2020 meeting, the Committee considered and approved a request from one court to fill a magistrate judge position vacancy. By electronic mail ballot or at its December 2020 meeting, the Committee also considered and approved requests from twelve courts for the recall, extension of recall, approval of staff, or extension of staff, for 16 retired magistrate judges. In addition, the Committee discussed extensively the concept of establishing a formal system of evaluating magistrate judge utilization and how best to organize and improve magistrate judge utilization data to help it make decisions about magistrate judge resources, and agreed as a next step to revise and reorganize the *Suggestions for Utilization of Magistrate Judges*. Finally, the Committee considered recommendations from its Diversity Subcommittee and agreed, among other actions, to request that the Federal Judicial Center conduct a survey of chief district judges regarding their courts' efforts to increase diversity in the magistrate judge selection process, with the goal of creating a report that will be shared with the courts.

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

FEDERAL RULES OF CIVIL PROCEDURE

The Committee on Rules of Practice and Procedure submitted to the Judicial Conference a proposed amendment to Civil Rule 7.1 (Disclosure Statement), together with committee notes explaining its purpose and intent. The Judicial Conference approved the proposed amendment and authorized its transmittal to the Supreme Court for consideration with a recommendation that it be adopted by the Court and transmitted to Congress in accordance with the law.

COMMITTEE ACTIVITIES

The Committee on Rules of Practice and Procedure reported on the status of its advisory committees' work in developing rules for emergencies as directed by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136, 134 Stat. 281. The Committee anticipates that several of the advisory committees will recommend proposed emergency rules for public comment in August 2021. The Committee was also updated on the status of restyling the Bankruptcy Rules. One third of the restyled rules were published for comment in 2020 and will be considered by the Advisory Committee for final approval at its spring meeting. A second third is on track to be published for comment in August 2021, with the remainder of the restyled rules projected to be published in 2022. The projected publication schedule

puts the restyled rules on track to be considered for final approval by the Committee at its June 2023 meeting, and recommended for Judicial Conference consideration at its fall 2023 session.

COMMITTEE ON SPACE AND FACILITIES

U.S. COURTS DESIGN GUIDE

In March 2017, noting that portions of the *U.S. Courts Design Guide* were outdated in terms of content, format, and organization, the Committee on Space and Facilities recommended, and the Judicial Conference approved, a two-phase approach to reviewing and revising the *Design Guide*. Phase I consisted of immediate amendments approved by the Conference to the *Design Guide* at that same session to address current problems, and Phase II would consist of a comprehensive review and revision to increase clarity and ease of use, as well as to ensure the inclusion of current policies, industry standards, and best practices (JCUS-MAR 2017, pp. 22-23). At this session, upon the recommendation of the Committee, the Judicial Conference approved an updated *U.S. Courts Design Guide* to provide a modernized and more user-friendly guide incorporating current policies, industry standards, and best practices in the design and construction of federal courthouses. The updated *Design Guide* incorporates various technical as well as substantive policy changes, including new design and construction-related policies adopted by the Judicial Conference since the *Design Guide* was last comprehensively updated in 2006.

EXCEPTION TO THE U.S. COURTS DESIGN GUIDE

A special proceedings courtroom is considered an exception to the *U.S. Courts Design Guide* if (a) it is provided at a location other than the district headquarters; (b) there are fewer than four district judge courtrooms (even at a headquarters location); or (c) more than one such courtroom is provided in a facility (JCUS-MAR 2008, p. 28). The Eleventh Circuit Judicial Council, on behalf of the Middle District of Georgia, requested an exception to the *Design Guide* to include a special proceedings courtroom in the program of requirements for a new courthouse construction project in Macon, which will have fewer than four district judge courtrooms. Noting that the entire district currently lacks a special proceedings courtroom but that one may be appropriate for the district given its geographic size, the Committee on Space and Facilities recommended, and the Conference approved, an exception to the *U.S. Courts*

Design Guide to include a special proceedings courtroom in the program of requirements for the new courthouse construction project in Macon, Georgia.

COMMITTEE ACTIVITIES

The Committee on Space and Facilities reported that it approved three funding requests for No Net New projects in support of the Judicial Conference’s No Net New policy adopted in September 2013 (JCUS-SEP 13, p. 32). The Committee agreed to defer consideration of the remaining two requests until its June 2021 meeting, at which time it will re-examine and prioritize them along with any new requests received pending available funding. In addition, the Committee considered and approved a project in Hattiesburg, Mississippi for participation in the Capital Security Program. The Committee reviewed three requests for GSA feasibility studies but ultimately deferred consideration of these requests until its June 2021 meeting.

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