

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

**September 13, 2016**

The Judicial Conference of the United States convened in Washington, D.C., on September 13, 2016, 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 Jeffrey R. Howard  
Judge Paul J. Barbadoro,  
District of New Hampshire

Second Circuit:

Chief Judge Robert A. Katzmann  
Judge William M. Skretny,  
Western District of New York

Third Circuit:

Chief Judge Theodore A. McKee  
Chief Judge Leonard P. Stark,  
District of Delaware

Fourth Circuit:

Chief Judge Roger L. Gregory  
Judge Robert J. Conrad, Jr.,  
Western District of North Carolina

Fifth Circuit:

Chief Judge Carl E. Stewart  
Chief Judge Louis Guirola, Jr.,  
Southern District of Mississippi

Sixth Circuit:

Chief Judge Ransey Guy Cole, Jr.  
Judge Paul Lewis Maloney,  
Western District of Michigan

Seventh Circuit:

Chief Judge Diane P. Wood  
Chief Judge Michael J. Reagan,  
Southern District of Illinois

Eighth Circuit:

Chief Judge William Jay Riley  
Judge Karen E. Schreier,  
District of South Dakota

Ninth Circuit:

Chief Judge Sidney R. Thomas  
Judge Claudia Wilken,  
Northern District of California

Tenth Circuit:

Chief Judge Timothy M. Tymkovich  
Judge Martha Vazquez,  
District of New Mexico

Eleventh Circuit:

Chief Judge Ed Carnes  
Judge Federico A. Moreno,  
Southern District of Florida

District of Columbia Circuit:

Chief Judge Merrick B. Garland  
Chief Judge Beryl A. Howell,  
District of Columbia

Federal Circuit:

Chief Judge Sharon Prost

Court of International Trade:

Chief Judge Timothy C. Stanceu

The following Judicial Conference committee chairs also attended the Conference session: Circuit Judges Richard R. Clifton, Steven M. Colloton, Allyson K. Duncan, Julia Smith Gibbons, Thomas M. Hardiman, Sandra S. Ikuta; Anthony J. Scirica, D. Brooks Smith, and Jeffrey S. Sutton; and District Judges John D. Bates, Catherine C. Blake, Gary A. Fenner, David R. Herndon, Wm. Terrell Hodges, Irene M. Keeley, Royce C. Lamberth, Donald W. Molloy, Lawrence L. Piersol, Danny C. Reeves, Richard Seeborg, Rodney W. Sippel, Rebecca Beach Smith, and Lawrence F. Stengel. Attending as the bankruptcy judge and magistrate judge observers, respectively, were Chief Bankruptcy Judge Marcia Phillips Parsons and Magistrate Judge Kevin N. Fox. Clarence Maddox, of the Sixth Circuit, represented the circuit executives.

James C. Duff, Director of the Administrative Office of the United States Courts, attended the session of the Conference, as did Jill C. Sayenga, Deputy Director; Sheryl L. Walter, General Counsel; Katherine H. Simon, Secretariat Officer, and Helen G. Bornstein, Senior Attorney, Judicial Conference Secretariat; Cordia A. Strom, Legislative Affairs Officer; and David A. Sellers, Public Affairs Officer. District Judge Jeremy D. Fogel, Director, and John S. Cooke, Deputy Director, Federal Judicial Center; and Chief District Judge Patti B. Saris, Chair, and Kenneth P. Cohen, Staff Director, United States Sentencing Commission, were in attendance at the session of the Conference, as were Jeffrey P. Minear, Counselor to the Chief Justice, and Ethan V. Torrey, Supreme Court Legal Counsel.

Deputy Attorney General Sally Quillian Yates addressed the Conference on matters of mutual interest to the judiciary and the Department of Justice. Senators Patrick J. Leahy and Christopher Coons and Representatives John Conyers, Jr., Darrell Issa, and Jerrold Nadler spoke on matters pending in Congress of interest to the Conference.

## REPORTS

Administrative Office Director James C. Duff reported to the Judicial Conference on the judicial business of the courts and on matters relating to the Administrative Office. Judge Jeremy D. Fogel spoke to the Conference about Federal Judicial Center (FJC) programs and Chief Judge Patti B. Saris reported on United States Sentencing Commission activities. Judge D. Brooks Smith, Chair of the Committee on Space and Facilities, presented a special report on space reduction efforts.

## EXECUTIVE COMMITTEE

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### RESOLUTION

The Judicial Conference approved a recommendation of the Executive Committee to adopt the following resolution recognizing the substantial contributions made by Judicial Conference committee chairs whose terms of service will end on September 30, 2016:

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

**HONORABLE CATHERINE C. BLAKE**

Committee on Defender Services

**HONORABLE STEVEN M. COLLOTON**

Advisory Committee on Appellate Rules

**HONORABLE IRENE M. KEELEY**

Committee on Criminal Law

**HONORABLE LAWRENCE L. PIERSOL**

Committee on Audits and Administrative Office Accountability

**HONORABLE DANNY C. REEVES**

Committee on the Administration of the Bankruptcy System

**HONORABLE D. BROOKS SMITH**  
Committee on Space and Facilities

**HONORABLE JEFFREY S. SUTTON**  
Committee on Rules of Practice and Procedure

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

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**MISCELLANEOUS ACTIONS**

The Executive Committee —

- Approved costs related to the 2016 and 2017 Ninth Circuit judicial conferences, pursuant to § 930(a)(2) of the Judicial Conference regulations on meeting planning and administration, *Guide to Judiciary Policy*, Vol. 19, Ch. 9.
- Received an update from the Administrative Office on efforts to enhance the judiciary’s information technology (IT) security and reiterated its strong support for making cybersecurity a funding priority.
- Pending congressional action on the judiciary’s appropriations for fiscal year (FY) 2017, approved FY 2017 interim financial plans for the Salaries and Expenses, Defender Services, Court Security, and Fees of Jurors and Commissioners appropriations accounts, and endorsed a strategy for distributing allotments to court units.
- Referred a request related to the applicability of the judiciary’s codes of conduct to the performance by judges or judiciary employees of

legal services during military reserve duty to the Committee on Codes of Conduct, which has issued several advisory opinions on this issue, and asked it to consider, in consultation with the Committee on Judicial Resources and the Committee on the Judicial Branch, whether any amendments to the codes of conduct or previous interpretations of the codes may be warranted in light of the issues raised in the request.

- Agreed to communicate to the Committee on the Budget and the Committee on Court Administration and Case Management its concern that the judiciary may be approaching a point where law book funding is insufficient to provide the resources that some judges deem necessary to do their work.
- Expressed the urgent need for implementation of enhanced IT security measures for all judiciary entities to protect IT systems and networks within the Third Branch, including the Defender Services program. While recognizing the unique concerns expressed by the Defender Services program stemming from defenders' ethical obligations to their clients, the Committee noted the need for uniform IT security standards throughout the Branch.

## **COMMITTEE ON AUDITS AND ADMINISTRATIVE OFFICE ACCOUNTABILITY**

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### **COMMITTEE ACTIVITIES**

The Committee on Audits and Administrative Office Accountability reported that it was briefed by independent audit firms on the status and results of several types of audits performed for the judiciary, including: cyclical audits of courts and federal public defender organizations; performance audits of Administrative Office procurement, contracts management, and property management functions; annual audits of community defender organization grantees; and audits of Chapter 7 and 13 bankruptcy trustees and debtors in Alabama and North Carolina, which are served by the bankruptcy administrator program. The Committee also received a detailed briefing from staff on the anticipated results of financial audits of the judiciary's appropriations for the Salaries and Expenses and Defender Services accounts, the Federal Judicial Center, and the Administrative Office. This briefing described corrective actions completed and in progress, as well as Administrative Office mechanisms to track, report,

and monitor the status of corrective actions. The Committee also discussed internal control program developments and forthcoming updates to the cyclical audit program for courts and federal public defender organizations.

## **COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM**

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### **CONTINUING NEED FOR BANKRUPTCY JUDGESHIPS**

In accordance with 28 U.S.C. § 152(b)(3), the Judicial Conference conducts a comprehensive review of all judicial districts every other year to assess the continuing need for authorized bankruptcy judgeships. By December 31 of each even-numbered year, the Judicial Conference reports to Congress its findings and any recommendations for the elimination of an authorized bankruptcy judgeship position that can be eliminated when a vacancy exists by reason of resignation, retirement, removal, or death. On recommendation of the Committee on the Administration of the Bankruptcy System, which relied on the results of the 2016 continuing need survey, the Conference agreed to take the following actions:

- a. Recommend to Congress that no bankruptcy judgeship be statutorily eliminated; and
- b. Advise the appropriate circuit judicial councils with respect to the districts of Alaska, California-Central, California-Eastern, California-Northern, California-Southern, Illinois-Central, Iowa-Northern, Iowa-Southern, Kansas, Maine, Massachusetts, New York-Eastern, New York-Southern, New York-Western, North Carolina-Middle, Ohio-Northern, Ohio-Southern, Oklahoma-Northern, Oklahoma-Western, Oregon, Pennsylvania-Eastern, and South Dakota, to consider not filling vacancies that currently exist or may occur because of resignation, retirement, removal, or death, until there is a demonstrated need to do so.

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### **MULTI-DISTRICT DESIGNATION OF A BANKRUPTCY JUDGE**

Under 28 U.S.C. § 152(d), a bankruptcy judge may be designated to serve in any district adjacent to or near the district for which the judge was

appointed “[w]ith the approval of the Judicial Conference and of each of the judicial councils involved...” The Committee noted that designating a bankruptcy judge to serve in multiple districts that need judicial assistance but not a full-time resident judgeship would be a cost-effective way of allocating judicial resources. In order to assist circuits with the process for obtaining Conference approval of a multi-district designation, the Committee recommended, and the Judicial Conference approved, Guidelines for the Multi-District Designation of a Bankruptcy Judge, and delegated to the Bankruptcy Committee authority to make non-substantive, technical, and conforming changes to the Guidelines, as needed.

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## COMMITTEE ACTIVITIES

The Committee on the Administration of the Bankruptcy System reported that it is monitoring the judgeship vacancy pilot project, which was approved by the Judicial Conference in September 2014 (JCUS-SEP 14, p. 7). Two judges were appointed in districts that otherwise would have left the judgeships vacant and then loaned via intercourt assignment to districts with immediate needs for additional bankruptcy judgeships. The Committee has also worked to seek bankruptcy courts to participate in its horizontal consolidation pilot, which was approved by the Judicial Conference in March 2016 (JCUS-MAR 16, p. 8).

## COMMITTEE ON THE BUDGET

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### FISCAL YEAR 2018 BUDGET REQUEST

After considering the FY 2018 budget requests of the program committees, the Budget Committee recommended to the Judicial Conference a request of \$6,942.2 million in discretionary appropriations, which is 3.9 percent above assumed discretionary appropriations for FY 2017 but \$44.9 million below the funding levels requested by the program committees. The Judicial Conference approved the Budget Committee’s budget request for FY 2018, subject to amendments necessary as a result of (a) new legislation,



(b) actions of the Judicial Conference, or (c) any other reason the Executive Committee considers necessary and appropriate.<sup>1</sup>

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## **COMMITTEE ACTIVITIES**

The Budget Committee reported that it discussed the status of the FY 2017 appropriations cycle and its joint congressional outreach efforts with the Committee on the Judicial Branch. The Budget Committee also expressed support for ongoing cost-containment efforts and discussed the challenges facing the judiciary with regard to enhancing cybersecurity and replacing aging physical access control systems and how those efforts are being funded.

## **COMMITTEE ON CODES OF CONDUCT**

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### **COMMITTEE ACTIVITIES**

The Committee on Codes of Conduct reported that since its last report to the Judicial Conference in March 2016, the Committee received 30 new written inquiries and issued 27 written advisory responses. During this period, the average response time for requests was 15 days. In addition, the Committee chair responded to 33 informal inquiries, individual Committee members responded to 134 informal inquiries, and Committee counsel responded to 876 informal inquiries, for a total of 1043 informal inquiries.

## **COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT**

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### **CIVIL JUSTICE REFORM ACT REPORTS**

In September 2009, the Judicial Conference approved making all Civil Justice Reform Act (CJRA) reports created after September 30, 2009 available free of charge on the judiciary's public website, [uscourts.gov](http://uscourts.gov)

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<sup>1</sup>Subsequent to the Conference session, the Executive Committee approved an adjustment to the FY 2018 budget request to add \$10 million for emergency repairs to the Thurgood Marshall Federal Judiciary Building. With this addition, the FY 2018 request is \$6,952.2 million which is 4.1 percent above the FY 2017 assumed appropriation.

(JCUS-SEP 09, p. 12). CJRA reports created before that date remained available only on PACER for a fee. At this session, noting that the pre-2009 reports are accessed by a limited number of PACER users and require the expenditure of judiciary resources to maintain, the Committee on the Court Administration and Case Management recommended that the Conference make all CJRA reports available free of charge on uscourts.gov. The Conference adopted the Committee’s recommendation.

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**ELECTRONIC PUBLIC ACCESS FEE EXEMPTION**

The Committee on Court Administration and Case Management recommended that the Judicial Conference amend Item 8 of the Electronic Public Access Fee Schedule, effective April 1, 2017, to allow Chapter 13 bankruptcy trustees to download quarterly, free of charge, a list of the trustee’s cases from the PACER Case Locator. The Committee noted that this would facilitate the trustees’ compliance with annual case reconciliation requirements and relieve clerks’ offices of work they do to assist trustees in compiling the necessary information. The Conference adopted the Committee’s recommendation.

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**MISCELLANEOUS FEE SCHEDULES**

Inflationary Fee Increases. The Judicial Conference prescribes miscellaneous fees for the courts of appeals, district courts, United States Court of Federal Claims, bankruptcy courts, and Judicial Panel on Multidistrict Litigation, pursuant to 28 U.S.C. §§ 1913, 1914, 1926, 1930, and 1932, respectively. On recommendation of the Court Administration and Case Management Committee, the Conference raised many of these fees to account for inflation, as set forth below, effective December 1, 2016. The last time miscellaneous fees were increased for inflation was in September 2011.

**Court of Appeals Miscellaneous Fee Schedule**

<u>Item</u>	<u>Current Fee</u>	<u>New Fee</u>
2. Record Search	\$30	\$31
5. Audio Recording	\$30	\$31
6. Record Reproduction	\$83	\$86

13. Attorney Admission Fee	\$176	\$181
Duplicate Certificate of Admission or Certificate of Good Standing	\$18	\$19

**District Court Miscellaneous Fee Schedule**

<u>Item</u>	<u>Current Fee</u>	<u>New Fee</u>
1. Filing Document Unrelated to a Case or Proceeding	\$46	\$47
2. Record Search	\$30	\$31
3. Exemplification	\$21	\$22
5. Audio Recording	\$30	\$31
9. Misdemeanor Appeal	\$37	\$38
10. Attorney Admission Fee Duplicate Certificate of Admission or Certificate of Good Standing	\$176 \$18	\$181 \$19
13. Cuban LIBERTAD Act Filing	\$6,355	\$6,548

**Bankruptcy Court Miscellaneous Fee Schedule**

<u>Item</u>	<u>Current Fee</u>	<u>New Fee</u>
2. Exemplification	\$21	\$22
3. Audio Recording	\$30	\$31
4. Amended Schedules	\$30	\$31
5. Record Search	\$30	\$31
7. Filing Document Unrelated to a Case or Proceeding	\$46	\$47
19. Filing Specific Motions	\$176	\$181

**United States Court of Federal Claims Fee Schedule**

<u>Item</u>	<u>Current Fee</u>	<u>New Fee</u>
4. Attorney Admission Fee	\$176	\$181
Duplicate Certificate of Admission or Certificate of Good Standing	\$18	\$19
5. Receipt of Monthly Listing of Court Orders and Opinions	\$22	\$23
8. Record Search	\$30	\$31
9. Audio Recording	\$30	\$31
10. Filing/Indexing Document in Case for which a Filing Fee has not been Paid	\$46	\$47

**Judicial Panel on Multidistrict Litigation Fee Schedule**

<u>Item</u>	<u>Current Fee</u>	<u>New Fee</u>
1. Record Search	\$30	\$31

Registry Funds Fee Structure. The Committee on Court Administration and Case Management recommended amendments to the District and Bankruptcy Court Miscellaneous Fee Schedules relating to the fees for handling registry funds in the custody of the court that are managed through the judiciary’s Court Registry Investment System (CRIS). The amendments are intended to simplify the fees and more closely align them with the costs of operating CRIS. On recommendation of the Committee, the Judicial Conference approved amending Item 12 of the District Court Miscellaneous Fee Schedule and Item 17 of the Bankruptcy Court Miscellaneous Fee Schedule, effective December 1, 2016, to read as follows:

For handling registry funds deposited with and held by the court, the clerk shall assess a charge from interest earnings, in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.

For management of registry funds invested through the Court Registry Investment System, a fee at an annual rate of 10 basis points of assets on deposit shall be assessed from interest earnings, excluding registry funds from disputed ownership

interpleader cases deposited under 28 U.S.C. § 1335 and held in a Court Registry Investment System Disputed Ownership Fund.

For management of funds deposited under 28 U.S.C. § 1335 and invested in a Disputed Ownership Fund through the Court Registry Investment System, a fee at an annual rate of 20 basis points of assets on deposit shall be assessed from interest earnings.

The Director of the Administrative Office has the authority to waive these fees for cause.

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### **PRO SE PRISONER E-FILING PILOT PROGRAM**

To increase the efficiency of processing federal pro se prisoner cases and reduce the associated costs, the Court Administration and Case Management Committee recommended that the Conference approve a one-year joint pilot project with the Bureau of Prisons (BOP) for a prisoner e-filing program using digital kiosks in BOP facilities. The Committee also recommended that the Conference authorize the Committee, working in conjunction with the Administrative Office, to develop metrics to measure the effectiveness of the program and to issue and amend guidelines to assist pilot participants. The pilot would involve no more than 25 courts and would be limited to civil case filings. The Conference approved the Committee's recommendations.

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### **JUROR QUALIFICATION QUESTIONNAIRE**

On recommendation of the Committee on Court Administration and Case Management, the Judicial Conference approved a complete revision to both the style and substance of the Juror Qualification Questionnaire to make it clearer and easier for jurors to understand. The questionnaire has been modified to, among other things, present the questions and corresponding instructions in side-by-side columns; move an explanatory paragraph from the back to the front of the questionnaire; simplify language; and allow for local variation in the identification of political subdivisions in answers to questions about a juror's residence.

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## COMMITTEE ACTIVITIES

The Committee on Court Administration and Case Management reported that it reviewed an interim report from its cost-containment subcommittee (which includes representation from six Judicial Conference committees) on the subcommittee's efforts to develop and evaluate organizational models that could contain costs. The Committee also approved a memorandum encouraging courts to consider adopting guidelines aimed at preventing court documents from being used to identify government cooperators. In addition, the Committee agreed to pursue two new initiatives, one to update guidance on the preservation of judges' papers to include guidance for electronic documents, and the other to review how juror utilization statistics are collected and reported.

## COMMITTEE ON CRIMINAL LAW

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### JUDGMENT FORMS IN CRIMINAL CASES

On recommendation of the Committee on Criminal Law, the Judicial Conference approved revisions to the judgment forms in criminal cases concerning the imposition of standard conditions of post-conviction supervision. The forms were revised to include (a) new standard conditions approved by the United States Sentencing Commission; (b) an explanation of the relationships between the standard conditions and (i) the purposes of sentencing pursuant to 18 U.S.C. § 3553 and (ii) the statutory duties of probation officers pursuant to 18 U.S.C. § 3603 to monitor and improve the conduct of persons under their supervision; and (c) a new section for a person on supervision to acknowledge receipt of and instruction on his or her conditions of supervision.

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### ***OVERVIEW OF PROBATION AND SUPERVISED RELEASE CONDITIONS***

On recommendation of the Committee on Criminal Law, the Judicial Conference approved release of a document entitled "*Overview of Probation and Supervised Release Conditions*" as a resource for defendants, the courts, and other criminal justice practitioners regarding the recommendation, imposition, and implementation of conditions of supervision. It will assist with

providing notice to defendants of conditions of supervision that may be imposed; help to ensure that the conditions are clear, legally sound, appropriately tailored, and address the relevant statutory factors; and aid appellate courts when reviewing the conditions in individual cases.

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### ***PRESENTENCE INVESTIGATION REPORT***

The Committee on Criminal Law recommended that the Conference approve two amendments to the *Presentence Investigation Report* (Monograph 107), *Guide to Judiciary Policy*, Vol. 8, Pt. D, concerning (a) when to disclose special conditions and (b) the timing for making a recommendation of special conditions. The first amendment would provide that a probation officer should attach any recommended special conditions and the reasons for the recommendations when the presentence report is initially disclosed and when the final report is disclosed, unless such disclosures are limited by the court, to give parties an opportunity to object and present arguments on why certain conditions should or should not be imposed. The second amendment provides examples of when it may be appropriate for probation officers to defer recommending special conditions. The Conference approved the Committee's recommendation.

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### ***SUPERVISION OF FEDERAL OFFENDERS***

On recommendation of the Committee, the Conference approved an amendment to the *Supervision of Federal Offenders* (Monograph 109), *Guide to Judiciary Policy*, Vol. 8, Pt. E, concerning the privilege against self-incrimination during interviews between probation officers and offenders. The amendment provides guidance to probation officers that if a defendant refuses to answer a specific question during an interview on the grounds that it is incriminating, the officer should not compel the defendant to answer. If there is uncertainty about whether the invocation of the privilege against self-incrimination is valid, the probation officer should refer the matter to the court to make this determination.

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### **GUIDELINES FOR SECOND CHANCE ACT AND JUDICIAL ADMINISTRATION AND TECHNICAL AMENDMENTS ACT**

The Second Chance Act of 2007 (SCA), Pub. L. No. 110-199, and the Judicial Administration and Technical Amendments Act of 2008 (JATA),

Pub. L. No. 110-406, authorize the judiciary to contract for, or expend funds directly on, certain reentry services for defendants and offenders reentering the community. On recommendation of the Committee on Criminal Law, the Conference adopted a new Part L to Volume 8 of the *Guide to Judiciary Policy*, setting forth judiciary policies related the SCA and JATA as well as guidance for probation and pretrial services officers related to procurement of and expenditure of funds on such services.

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## COMMITTEE ACTIVITIES

The Committee on Criminal Law reported that it received an update on the Administrative Office's continuing efforts to monitor outcomes in post-conviction supervision cases. Those outcomes show improvements that coincide with the considerable investments in evidence-based practices made by the federal probation and pretrial services system. The Committee was also provided with the final report of the FJC's study of a federal reentry court program model policy as implemented in five participating districts. The Committee agreed to release the report to the courts while it continued to consider what recommendations it may offer to the Judicial Conference. To that end, the Committee formed a subcommittee that will develop possible recommendations for the Judicial Conference's consideration.

## COMMITTEE ON DEFENDER SERVICES

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### ***MODEL PLAN FOR IMPLEMENTATION AND ADMINISTRATION OF THE CRIMINAL JUSTICE ACT***

The Criminal Justice Act (CJA) directs each district court to place in operation a plan for furnishing defense representation for any person financially unable to retain an attorney. 18 U.S.C. § 3006A(a). Currently, there are two model plans included in the CJA Guidelines, *Guide to Judiciary Policy*, Vol. 7A, Ch. 2, to provide courts with guidance in crafting a local plan, the *Model Criminal Justice Act Plan*, at Appendix 2A and the *Model Plan for the Composition, Administration and Management of the CJA Panel*, at Appendix 2B. These plans were adopted in 1990 and have not been comprehensively revised since. Noting that CJA policies have evolved in the intervening years to address changes in program needs, legal precedent, and acceptable standards of practice for the legal profession, the Committee on Defender Services recommended that the Judicial Conference adopt a new model plan that consolidates the information from the two existing model plans



and incorporates updated policies pertaining to the CJA program. Adopting the Committee's recommendation, the Conference approved the 2016 *Model Plan for Implementation and Administration of the Criminal Justice Act* to supersede the existing model plans.

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## **PERIODIC REVIEW OF CJA DISTRICT PLANS**

As noted above, 28 U.S.C. § 3006A(a) requires each district court to adopt a plan for furnishing defense representation for persons financially unable to retain an attorney. To ensure that these plans remain up-to-date, on recommendation of the Committee on Defender Services, the Judicial Conference amended the *Guide to Judiciary Policy*, Vol. 7A, Ch. 2, § 210.10.10 by adding subsection (e) to read as follows:

Each district court should review, and amend as appropriate, the CJA Plan every five years to ensure compliance with the CJA Guidelines and other relevant Judicial Conference policies and legal authorities.

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## **TRIBAL LAW AND ORDER REAUTHORIZATION AND AMENDMENTS ACT**

The proposed Tribal Law and Order Reauthorization and Amendments Act of 2016, S. 2920, 114<sup>th</sup> Congress (as introduced on May 11, 2016) would reauthorize several provisions of the Tribal Law and Order Act of 2010 (Pub. L. No. 111-211), as well as address public safety in Indian Country through a number of requirements for data sharing, collaboration, and reporting. The proposed legislation would also require federal public defenders to appoint tribal liaisons, and authorize and encourage them to appoint special assistant federal defenders in districts that include Indian Country to mirror existing positions in U.S. attorneys' offices. Pursuant to the proposed legislation, the liaisons would undertake duties to promote the administration of justice in Indian Country, including coordinating the defense of federal crimes, coordinating with tribal public defenders in cases with concurrent jurisdiction, providing technical assistance and training, and coordinating with the Administrative Office. The special assistant federal defenders would represent Indian defendants charged with federal crimes in Indian Country and provide technical and other assistance to tribal governments and court systems.

The Committee on Defender Services noted that federal defenders often represent clients from Indian Country based on charges previously brought in Tribal Courts and that requiring federal defender involvement in the administration of tribal justice could place conflicting demands on federal defender organizations and potentially create ethical issues. Accordingly, on the recommendation of the Committee, the Judicial Conference agreed to inform Congress that while it recognizes the need for increased defense representation services in Indian Country, legal training to support the right to effective counsel in Indian Country, and funding to support these functions, it opposes Section 109 of the Tribal Law and Order Reauthorization and Amendments Act of 2016 (S. 2920, as introduced on May 11, 2016), or similar legislation, that would create tribal liaisons and special assistant federal defenders, or any requirement for individual federal defender offices to assist with the administration of tribal justice, as this creates possible conflicts in their representational work involving cases arising from Indian Country.

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## **COMMITTEE ACTIVITIES**

The Committee on Defender Services reported that it met with the Ad Hoc Committee to Review the Criminal Justice Act Program and received a status update on the comprehensive, impartial review of the CJA program currently underway. The final report is expected to be completed in Spring 2017. The Committee also met with Deputy Attorney General Sally Quillian Yates and discussed issues of mutual interest and collaboration, as well as Department of Justice policies and practices that have a significant impact on Defender Services program costs. The Committee received an update on the status of the implementation of eVoucher as a national electronic CJA panel management and voucher processing system, recognized the efforts made to deploy the system nationally, and reaffirmed its position that receiving data from the eVoucher system remains a high priority for the Defender Services program.

## **COMMITTEE ON FEDERAL-STATE JURISDICTION**

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### **ARTICLE I IMMIGRATION COURT**

The Committee on Federal-State Jurisdiction was asked to consider a draft legislative proposal to create an Article I Immigration Court consisting of an appellate division and trial-level courts that would be administered by the Administrative Office. The proposed court would be created by transferring

the adjudicatory responsibilities currently performed by the Executive Office for Immigration Review in the Department of Justice to the judiciary, including functions of the Board of Immigration Appeals.

The Judicial Conference has a long-standing position opposing, with limited exceptions, specialized courts in the judiciary (JCUS-SEP 90, p. 82; JCUS-SEP 86, p. 60; JCUS-SEP 62, p. 54). With regard to an earlier legislative proposal to create an Article I Immigration Court, the Conference took no position on the merits of creating such a court, but stated that if Congress determined that there is a need for a separate Immigration Court, “consistent with its previously enunciated recommendations on the creation of a Social Security Court, or a Court of Veterans Appeals, under Article I of the Constitution...the court be created within the Executive Branch of Government” (JCUS-SEP 82, pp. 63-64). Consistent with these positions, and noting specific concerns regarding the draft proposal, including whether the judiciary had resources available to handle the high volume of immigration cases, what effect removing Attorney General discretion over the adjudication of immigration cases would have on the adjudication process, and possible constitutional and administrative concerns, the Committee recommended that the Conference reaffirm its long-standing position that if Congress determines there is a need to create an Article I Immigration Court, such court be established in the executive branch, and further, oppose placement of an Article I Immigration Court in the federal judiciary or the administration of an Article I Immigration Court by the federal judiciary. The Conference adopted the Committee’s recommendation.

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## COMMITTEE ACTIVITIES

The Committee on Federal-State Jurisdiction reported that it continued its discussion of legislation that would make changes in the manner in which courts review claims that non-diverse defendants have been fraudulently joined for the purpose of defeating diversity jurisdiction. The Committee also reviewed legislation that would reverse judicial doctrines that currently provide deference to certain decisions of administrative agencies. The Committee received an update on the progress of a project to update the 1997 *Manual for Cooperation Between State and Federal Courts*, engaged in a roundtable discussion of ways to enhance communication between the federal judiciary and state courts, and received a report on the Civil Justice Initiative sponsored by the Conference of Chief Justices and the National Center for State Courts.

## COMMITTEE ON FINANCIAL DISCLOSURE

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### COMMITTEE ACTIVITIES

The Committee on Financial Disclosure reported that the Administrative Office’s comprehensive assessment of the future needs for the electronic financial disclosure report preparation and filing system has been completed and that software currently being utilized by the government was selected and will be customized for the judiciary. The Committee continued its comprehensive review of the financial disclosure regulations. It clarified the filing instructions regarding the deadline for employees filing initial reports, and it analyzed, and requested additional research about, the instructions for reporting property held in a business or trade.

As of June 6, 2016, for calendar year 2015, the Committee had received 3,256 financial disclosure reports and certifications (out of a total of 4,027 required to be filed) from nominee, initial, annual and final filers; and, for calendar year 2014, the Committee had received 4,411 financial disclosure reports and certifications (out of a total of 4,419 required to be filed) from nominee, initial, annual, and final filers.

## COMMITTEE ON INFORMATION TECHNOLOGY

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### *LONG RANGE PLAN FOR INFORMATION TECHNOLOGY*

Pursuant to 28 U.S.C. § 612 and on recommendation of the Committee on Information Technology, the Judicial Conference approved the fiscal year 2017 update to the *Long Range Plan for Information Technology in the Federal Judiciary*. Funds for the judiciary’s information technology program will be spent in accordance with this plan.

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### COMMITTEE ACTIVITIES

The Committee on Information Technology reported that it recommended additional funding be sought in FY 2017 and beyond for ongoing cybersecurity risk mitigation initiatives and to implement additional programs, tools, services, and staffing to safeguard the judiciary’s data and systems. The Committee also endorsed language clarifying that parties identified in security policies are responsible for developing and implementing

procedures, rather than for the outcomes of the application of those procedures; strongly supported the use of a proposed scorecard as a mandatory information technology security self-assessment tool; and, recognizing the cost of upgrading existing internet connectivity, asked that judges and court staff be reminded of the costs associated with accessing streaming audio and video sites over the DCN and requested that further analysis of streaming be conducted following this reminder.

## **COMMITTEE ON INTERCIRCUIT ASSIGNMENTS**

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### **JUDGE SHARING PILOT PROGRAM**

The Committee on Intercircuit Assignments recommended that the Conference approve a voluntary judge sharing pilot program that would assist courts with high weighted caseloads in obtaining long-term assistance through intracircuit assignments from judges in courts with low weighted caseloads. Judges in the lending court who agreed to participate through an intracircuit assignment would take a specified number of civil cases directly from the draw of the borrowing court and would handle those cases from filing to conclusion. Assignment of cases would be random, and participation in the pilot would not affect a court's requests for additional judgeship resources. For aspects of the arrangement not specified by pilot program requirements, a memorandum of understanding between the chief district judges of the borrowing and lending courts, approved by the chief circuit judge, would govern. The Judicial Conference adopted the recommendation of the Committee and approved the creation of a judge sharing pilot program in up to five circuits for three years, to be administered by the Committee on Intercircuit Assignments.

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### **COMMITTEE ACTIVITIES**

The Committee on Intercircuit Assignments reported that 105 intercircuit assignments were undertaken by 76 Article III judges from January 1, 2016, to June 30, 2016. During this time, the Committee continued to disseminate information about intercircuit assignments and aided courts requesting assistance by identifying and obtaining judges willing to take assignments. The Committee also reviewed and concurred with two proposed intercircuit assignments of bankruptcy judges.

## COMMITTEE ON INTERNATIONAL JUDICIAL RELATIONS

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### COMMITTEE ACTIVITIES

The Committee on International Judicial Relations reported about its involvement in rule of law and judicial reform throughout the world, highlighting activities in Africa, Europe and Eurasia, Latin America, the Middle East, and East and South Asia. Briefing reports about international rule of law activities were provided by the Department of State, the Department of Justice, the United States Agency for International Development, the Department of Commerce, the United States Patent and Trademark Office, the Open World Leadership Center at the Library of Congress, the United Nations Counterterrorism Executive Directorate, the Federal Judicial Center, the Administrative Office, the Defenders Services Office, and U.S. court administrators. The Committee also reported on hosting foreign delegations of jurists and judicial personnel for briefings at the Administrative Office.

## COMMITTEE ON THE JUDICIAL BRANCH

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### REPORTING OF NON-CASE RELATED TRAVEL

In March 1999, the Judicial Conference adopted a policy requiring all federal judges to report annually their non-case related professional travel (Travel Regulations for Justices and Judges, *Guide to Judiciary Policy*, Vol. 19, Ch. 2, § 270; JCUS-MAR 99, pp. 19-20). At this session, on recommendation of the Committee on the Judicial Branch, the Judicial Conference approved changing the name of the policy from “Reporting of Non-Case Related Travel,” to “Reporting of Governance and Education Travel,” to more accurately describe the nature and purpose of the travel that is reportable.

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### COMMITTEE ACTIVITIES

The Committee on the Judicial Branch reported that it participated in the fourth Judicial-Congressional Dialogue, an initiative that began in 2014 with the goal of increasing understanding between the legislative and judicial branches. Associate Justices Stephen Breyer and Samuel Alito participated in a panel entitled “Reflections on Statutory Interpretation and Branch Relations.” Opening remarks were provided by Representative Bob Goodlatte, Chairman,

House Judiciary Committee. Three senators and eleven representatives, all members of the Senate and House Judiciary Committees, attended, including Senator Chuck Grassley, Chairman, Senate Judiciary Committee.

## **COMMITTEE ON JUDICIAL CONDUCT AND DISABILITY**

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### **COMMITTEE ACTIVITIES**

The Committee on Judicial Conduct and Disability reported that it discussed and considered complaint-related matters under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364 (Act), and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules), including two petitions for review of circuit judicial council orders. In addition, the Committee approved changes to the judiciary's public judicial conduct and disability website related to the September 2015 amendments to the Rules. The Committee and its staff have continued to address inquiries regarding the Act and the Rules, and to give other assistance as needed to chief judges and circuit judicial councils.

## **COMMITTEE ON JUDICIAL RESOURCES**

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### **SENIOR JUDGE STAFFING RESOURCES**

In October 2014, as part of the judiciary's continuing cost-containment initiative, the Administrative Office's advisory councils and peer advisory groups identified staffing for senior judges among the areas that warranted further analysis. In response, the Committee on Judicial Resources established an ad hoc subcommittee on senior judge staffing resources to oversee the analysis, and the Director of the Administrative Office established a Senior Judges Working Group to provide additional assistance and input.

A major goal of the effort was the identification of common statistical measures in an attempt to bring greater standardization and rigor to the senior judge staff certification process. After reviewing historical data and each circuit's standards for certifying staff for senior judges, the ad hoc subcommittee, in consultation with the working group, concluded that national guidelines would negatively impact existing practices and processes, but agreed that circuits should regularly review their certification process. To facilitate that review, the subcommittee recommended that the Committee ask the



Conference to make available the working group's *Report on Senior Judge Staffing Certification* and encourage its use as a resource for circuit judicial councils in certifying chambers staff for senior judges and for circuit chief judges and circuit executives in assessing and evaluating staffing needs for senior judges. The *Report* contains recommendations on establishing a robust and transparent process for senior judge staffing allocation. The Conference adopted the Committee's recommendation.

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### **JSP QUALIFICATION REQUIREMENTS FOR UNIT EXECUTIVES AND SECOND-IN-COMMAND POSITIONS**

Four Judicial Salary Plan (JSP) unit executive and second-in-command positions, (a) circuit librarian, (b) chief probation/pretrial services officer, (c) chief deputy (appellate, district, and bankruptcy courts), and (d) deputy chief (probation/pretrial services officer), have time-in-grade or equivalent experience requirements. In order to be eligible for promotion to the next higher grade, employees in these positions must have 52 weeks of experience at or equivalent to the next lower grade. These requirements are not mandated for other executive-level JSP positions and put internal candidates at a disadvantage for pay-setting purposes as compared to external candidates. To rectify these inequities and give courts greater workforce management flexibility, the Committee recommended, and the Judicial Conference approved, eliminating the time-in-grade or equivalent experience prerequisite for all JSP unit executive and second-in-command positions upon qualification and grade determination.

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### **UPDATE TO PROBATION OFFICES STAFFING FORMULA**

A new staffing formula for probation offices was recommended by the Committee on Judicial Resources and approved by the Judicial Conference in September 2015 that included a standard factor for all districts for the preparation of guideline presentence reports (JCUS-SEP 15, p. 24). At the time, the Committee noted that it intended to revisit that factor in the near future and develop case weights that would reflect the complexity of these reports. At this session, on recommendation of the Committee on Judicial Resources, the Judicial Conference amended the portion of the staffing formula for probation offices relating to the preparation of guideline presentence reports by replacing the constant of 2.66 full-time equivalent (FTE) positions and an additional 38.85 hours per guideline presentence report with a constant of 1.00 FTE position and weighted values based on the nature of the offenses of



conviction, occurrence of trial, number of counts of conviction, and number of criminal events in a client's history.

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## **DEFENDER SERVICES NATIONAL PROJECTS POSITIONS**

The judiciary's Defender Services program includes national projects that serve as shared operational expertise for federal judges, federal defender organization staff, Criminal Justice Act panel attorneys, and the Administrative Office by providing consultation, assistance, and training on specialized topics critical to high quality representation for indigent federal criminal defendants. To provide greater availability and access to these capabilities, on recommendation from the Committee on Defender Services, the Committee on Judicial Resources recommended that the Conference approve adding nine FTE staff positions for the Defender Services national projects to be funded as soon as fiscally possible, but no later than fiscal year 2018, as follows:

- a. one position (paralegal) for the National Litigation Support Team;
- b. three positions (attorney, investigator/mitigation specialist, paralegal) for the Capital Resource Counsel Project;
- c. two positions (paralegal and research and writing specialist) for the Federal Capital Appellate Resource Counsel Project;
- d. one position (investigator/mitigation specialist) for the Federal Capital (§ 2255) Project; and
- e. two positions (infrastructure architect/engineer and project manager) for the National Information Technology Operation and Applications Development Project.

The Conference approved the Committee's recommendation.

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## **CRIMINAL JUSTICE ACT PANEL MANAGEMENT RESOURCES**

Although in most districts the clerk of court performs a majority of Criminal Justice Act (CJA) panel management work, many federal defender offices (FDOs) also perform this work as a service to the court. The Committee on Judicial Resources recommended that the Judicial Conference approve the addition of 13.96 FTE positions to the currently approved FDO

staffing formulas for fiscal years 2017 and 2018 to be distributed to fifteen designated FDOs to stabilize CJA panel management support. The Committee noted that it will consider an update to the district clerks' offices staffing formula in June 2018 for use in fiscal year 2019, and the work measurement study for that update will likely lead to a more equitable distribution of the CJA management workload between the district clerks' offices and FDOs. The Conference approved the Committee's recommendation.

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## **MITIGATION SPECIALIST POSITION**

At the request of the Committee on Defender Services, the Committee on Judicial Resources recommended that the Judicial Conference include a position description for a non-capital mitigation specialist and a capital mitigation specialist in the Defender Organization Classification System, the personnel classification system for the judiciary's Defender Services program. Among other things, a mitigation specialist assists appointed CJA counsel in investigating, analyzing, developing, and presenting any mitigation evidence that exists in the life history of a client and gathers information to present a more complete picture of the client throughout the court proceedings. The Conference approved the Committee's recommendation.

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## **COMMITTEE ACTIVITIES**

The Committee on Judicial Resources reported that it submitted a FY 2018 budget request for programs under its jurisdiction to the Budget Committee that was equivalent to a 3.0 percent increase over the FY 2017 baseline, which would result in 12,027 FTE positions for court support staff. Subsequently, the Budget Committee adjusted the request to limit funding for court support staffing to 11,845 FTE positions. The Judicial Resources Committee declined a request for conversion of a Navajo staff court interpreter position to a Spanish staff court interpreter position in the District of New Mexico. The Committee also received an update on the schedule of delivery dates for current and future work measurement studies, including the upcoming district clerks' offices work measurement study.

## COMMITTEE ON JUDICIAL SECURITY

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### COMMITTEE ACTIVITIES

The Committee on Judicial Security reported that it was updated on the status of the courthouse Physical Access Control Systems (PACS) program, including the United States Marshals Service (USMS) development of a national standard for PACS systems in federal courthouses and coordination of a risk-based budget strategy for examining and prioritizing PACS replacements and upgrades in federal judiciary facilities. The Committee also heard presentations from Director L. Eric Patterson, Federal Protective Service, and Acting Director David Harlow, USMS, regarding issues relevant to their agencies' respective roles in protecting court facilities. Finally, the Committee discussed the status of the Home Intrusion Detection Systems (HIDS) program, including the new national contract service provider, Securitas Electronic Security, Inc., which assumed contractual duties from Diebold.

## COMMITTEE ON THE ADMINISTRATION OF THE MAGISTRATE JUDGES SYSTEM

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### APPOINTMENT REGULATIONS

On recommendation of the Committee on the Administration of the Magistrate Judges System, the Judicial Conference amended its regulations establishing standards and procedures for the appointment and reappointment of United States magistrate judges, *Guide to Judiciary Policy*, Vol. 3, Ch. 4, § 420, to (a) ensure that merit selection panel members have written notice of the restriction against being considered for a magistrate judge position within one year of concluding service on the panel; (b) require waivers from this restriction to be requested by the chair of the merit selection panel; (c) clarify that the restriction applies to members of merit selection panels for the reappointment, as well as the appointment, of magistrates judges; (d) establish criteria for the Committee's consideration of a requested waiver; (e) require the merit selection panel to indicate in its report to the court whether any of the applicants were former merit selection panel members who had been granted a waiver; (f) provide that a court may recommend more than five applicants if the panel is recommending applicants for more than one magistrate judge position; and (g) make stylistic changes.

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## **RECALL REGULATIONS**

Under the regulations governing the ad hoc and extended service recall of retired magistrate judges, *Guide to Judiciary Policy*, Vol. 3, Ch. 11, § 1120, and Ch. 12, § 1220, the Magistrate Judges Committee must approve any request for staff for recalled magistrate judges and any request for funds for recall of a retired magistrate judge that exceeds \$10,000 in judicial salary, Office of Personnel Management annuity reimbursement, travel and subsistence (JCUS-SEP 12, p. 28). The regulations also set forth the criteria the Committee should consider in deciding whether to approve such a request. At this session, the Committee recommended that the Conference add two new criteria for determining whether to approve funds for recalled magistrate judges or their staff: the comparative need of the district judges for the assistance of magistrate judges and the overall workload of the court; and the commitment of the court to the effective utilization of magistrate judges. The Conference adopted the Committee's recommendation.

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## **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 courts, and the judicial councils of the circuits, the Judicial Conference agreed to (a) authorize the conversion of the part-time magistrate judge position at Williamsport in the Middle District of Pennsylvania to a full-time magistrate judge position; and (b) redesignate the location of the part-time magistrate judge position at Middletown to Poughkeepsie in the Southern District of New York.

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## **ACCELERATED FUNDING**

On recommendation of the Committee, the Conference agreed to designate for accelerated funding, effective April 1, 2017, the new full-time magistrate judge position at Williamsport in the Middle District of Pennsylvania.

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## **COMMITTEE ACTIVITIES**

The Committee on the Administration of the Magistrate Judges System reported that it considered ten cyclical district-wide magistrate judge survey reports prepared by the Administrative Office and determined not to recommend any changes in the number, locations, salaries, or arrangements of the magistrate judge positions in those district courts. Pursuant to Judicial Conference policy regarding the review of magistrate judge position vacancies (JCUS-SEP 04, p. 26), for the period between its December 2015 and June 2016 meetings, the Committee, through its chair, approved filling 12 full-time magistrate judge position vacancies in 11 courts. At its June 2016 meeting, the full Committee considered requests to fill two magistrate judge position vacancies. The Committee approved one of the requests and the second request was later withdrawn by the court. The Committee also considered and approved requests from ten courts for the recall or extension of recall of ten retired magistrate judges.

## **COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

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### **FEDERAL RULES OF BANKRUPTCY PROCEDURE**

The Committee on Rules of Practice and Procedure submitted to the Judicial Conference proposed amendments to Bankruptcy Rules 1001 (Scope of Rules and Forms; Short Title), 1006 (Filing Fee), and 1015 (Consolidation or Joint Administration of Cases Pending in Same Court), together with Committee Notes explaining their purpose and intent. The Conference approved the proposed amendments and agreed to transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with law.

The Committee also submitted to the Judicial Conference proposed revisions to Bankruptcy Official Forms 20A (Notice of Motion or Objection) and 20B (Notice of Objection to Claim) (renumbered as 420A and 420B) and Official Form 410S2 (Notice of Postpetition Mortgage Fees, Expenses, and Charges) and recommended that they take effect on December 1, 2016, and that they govern all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings then pending. The Conference adopted the Committee's recommendation.

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## **CIVIL LITIGATION PILOT PROJECTS**

As part of an ongoing effort to reduce the cost and delay of federal civil litigation, the Committee recommended that the Judicial Conference approve two civil litigation pilot projects, each for a period of approximately three years in at least three to five districts. The first project, the Mandatory Initial Discovery Pilot Project, would test a system of mandatory initial discovery requests to be adopted in each participating court by standing order. It would apply to all civil cases except those exempted by Rule 26(a)(1)(B), patent cases governed by a local rule, and cases transferred for consolidated administration in the district by the Judicial Panel on Multidistrict Litigation. The second project, the Expedited Procedures Pilot Project, would test the effectiveness of strict court-wide application of practices that under current rules have proved effective in reducing cost and delay. It would involve all cases in which discovery and trial are possible. The pilot projects were developed in consultation with the Committee on Court Administration and Case Management and the Federal Judicial Center. The Committee also recommended that the Conference delegate authority to the Committee on Rules of Practice and Procedure to develop guidelines to implement the pilot projects. The Conference adopted the Committee's recommendations.

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## **FEDERAL RULES OF EVIDENCE**

The Committee on Rules of Practice and Procedure submitted to the Judicial Conference proposed amendments to Evidence Rules 803 (Exceptions to the Rule Against Hearsay — Regardless of Whether the Declarant Is Available as a Witness) and 902 (Evidence That Is Self-Authenticating), together with Committee Notes explaining their purpose and intent. The Conference approved the proposed amendments and agreed to transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

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## **COMMITTEE ACTIVITIES**

The Committee on Rules of Practice and Procedure reported that it approved for publication for public comment proposed amendments to Appellate Rules 8, 11, 25, 28.1, 29, 31, 39, 41, and Form 4; proposed amendments to Bankruptcy Rules 3002.1, 3015, 5005, 8002, 8006, 8011, 8013, 8015, 8016, 8017, 8022, 8023, new Bankruptcy Rules 3015.1 and 8018.1 and

new Part VIII Appendix, and proposed amendments to Bankruptcy Official Forms 309F, 417A, 417C, 425A, 425B, 425C, and 426; proposed amendments to Civil Rules 5, 23, 62, and 65.1; and proposed amendments to Criminal Rules 12.4, 45, and 49. The proposed amendments to Bankruptcy Rule 3015 and proposed new Bankruptcy Rule 3015.1 were published for a comment period from July 1, 2016 through October 3, 2016. The remaining rules and forms were published for a comment period from August 12, 2016 through February 15, 2017.

## COMMITTEE ON SPACE AND FACILITIES

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### *COURTHOUSE PROJECT PRIORITIES*

The *Federal Judiciary Courthouse Project Priorities (CPP)* list was adopted by the Judicial Conference in September 2015 as the new planning tool for communicating the judiciary's priorities for new courthouse construction. Eleven projects were included on the FY 2017 *CPP*, which was the first time the list was issued. At this session, the Committee on Space and Facilities recommended that the Judicial Conference adopt a FY 2018 *CPP*. As eight of the 11 projects on the FY 2017 plan were fully funded in the Consolidated Appropriations Act of 2016, Pub. L. No. 114-113, only three projects remained (Harrisburg, Pennsylvania; Chattanooga, Tennessee; and Norfolk, Virginia) and were carried forward to the proposed FY 2018 *CPP*. In addition, after considering feasibility studies conducted by the General Services Administration (GSA), three new projects (Huntsville, Alabama; Fort Lauderdale, Florida; and Hato Rey, Puerto Rico) were recommended for inclusion on the FY 2018 *CPP*. The Conference adopted the FY 2018 *CPP* as recommended, with the projects listed in the following priority order:

- a. Part I: (1) Harrisburg, Pennsylvania; (2) Huntsville, Alabama; and (3) Fort Lauderdale, Florida; and
- b. Part II: All remaining projects (Chattanooga, Tennessee; Hato Rey, Puerto Rico; and Norfolk, Virginia) listed according to urgency evaluation score.

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### FEASIBILITY STUDIES

Courthouse constructions projects must have a completed GSA feasibility study prior to being placed on the *CPP* (JCUS-MAR 08, p. 26).



After considering the urgency evaluation scores for potential projects in McAllen, Texas (Fifth Circuit), Bowling Green, Kentucky (Sixth Circuit), and Green Bay, Wisconsin (Seventh Circuit) and ensuring that the relevant district court and circuit judicial council for each project have given the necessary approvals, the Committee recommended that the Judicial Conference approve requests to GSA to perform feasibility studies for these locations. The Conference adopted the Committee's recommendation.

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## COMMITTEE ACTIVITIES

The Committee on Space and Facilities reported that it was updated on the judiciary's efforts to reduce by three percent its national footprint by the end of FY 2018. As of June 2016, the judiciary had achieved two-thirds of this goal. While this progress is commendable, all circuits must continue to focus on space reduction efforts to ensure the national goal is met by the deadline. The Committee was also updated on the status of the judiciary's Capital Security Program (CSP) and, in consultation with the Committee on Judicial Security, approved four courthouses for CSP studies in FY 2016: Portland, Maine; Detroit, Michigan; Augusta, Georgia; and Fort Wayne, Indiana. Finally, the Committee discussed the status of the National Joint Training Program that has begun to coordinate and implement the policy changes resulting from the Service Validation Initiative, a collaborative effort on the part of the GSA and the judiciary to improve the quality of the services GSA provides to the courts.

## 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