

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

September 16, 2014

The Judicial Conference of the United States convened in Washington, D.C., on September 16, 2014, pursuant to the call of the Chief Justice of the United States issued under 28 U.S.C. § 331. The Chief Justice presided, and the following members of the Conference were present:

First Circuit:

Chief Judge Sandra L. Lynch
Judge Paul J. Barbadoro,
District of New Hampshire

Second Circuit:

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

Third Circuit:

Chief Judge Theodore A. McKee
Chief Judge Joy Flowers Conti,
Western District of Pennsylvania

Fourth Circuit:

Chief Judge William B. Traxler, Jr.
Chief Judge Deborah K. Chasanow,
District of Maryland

Fifth Circuit:

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

Sixth Circuit:

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

Seventh Circuit:

Chief Judge Diane P. Wood
Chief Judge Rubén Castillo,
Northern District of Illinois

Eighth Circuit:

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

Ninth Circuit:

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

Tenth Circuit:

Chief Judge Mary Beck Briscoe
Judge Dee V. Benson,
District of Utah

Eleventh Circuit:

Chief Judge Ed Carnes
Judge W. Louis Sands,
Middle District of Georgia

District of Columbia Circuit:

Chief Judge Merrick B. Garland
Chief Judge Richard W. Roberts,
District of Columbia

Federal Circuit:

Chief Judge Sharon Prost

Court of International Trade:

Chief Judge Timothy C. Stanceu

The following current or incoming Judicial Conference committee chairs also attended the Conference session: Circuit Judges Steven M. Colloton, Julia Smith Gibbons, Thomas M. Hardiman, Diarmuid F. O'Scannlain, Reena Raggi, Anthony J. Scirica, D. Brooks Smith, Jeffrey S. Sutton, and Timothy M. Tymkovich; District Judges Nancy F. Atlas, Catherine C. Blake, David G. Campbell, Gary A. Fenner, Sidney A. Fitzwater, Irene M. Keeley, Royce C. Lamberth, Lawrence L. Piersol, Joel A. Pisano, Danny C. Reeves, Julie A. Robinson, Rebecca Beach Smith, and Richard W. Story; and Bankruptcy Judge Eugene R. Wedoff. Attending as the bankruptcy judge and magistrate judge observers were Bankruptcy Judge Brenda T. Rhoades and Magistrate Judge Alan J. Baverman. David Tighe of the Tenth Circuit represented the circuit executives.

District Judge John D. Bates, Director of the Administrative Office of the United States Courts, attended the session of the Conference, as did Jill C. Sayenga, Deputy Director; Robert K. Loesche, General Counsel; Jeffrey A. Hennemuth, Secretariat Officer, and Katherine H. Simon, Attorney Advisor, Judicial Conference Secretariat; Cordia A. Strom, Legislative Affairs Officer; and David A. Sellers, Public Affairs Officer. District Judge Jeremy D. Fogel, 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 was Jeffrey P. Minear, Counselor to the Chief Justice.

Deputy Attorney General James M. Cole addressed the Conference on matters of mutual interest to the judiciary and the Department of Justice. Senators Patrick J. Leahy, Christopher Coons, Jeff Sessions, and Mike Johanns and Representatives Bob Goodlatte, John S. Conyers, Jr., and Howard Coble spoke on matters pending in Congress of interest to the Conference.

REPORTS

Judge Bates reported to the Conference on the judicial business of the courts and on matters relating to the Administrative Office (AO). Judge Fogel spoke to the Conference about Federal Judicial Center (FJC) programs, and Chief Judge Saris reported on United States Sentencing Commission activities. Judge Gibbons, Chair of the Committee on the Budget, presented a special report on budgetary matters.

EXECUTIVE COMMITTEE

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 end in 2014:

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

HONORABLE JOHN M. ROGERS
Committee on Codes of Conduct

HONORABLE JULIE A. ROBINSON
Committee on Court Administration and Case Management

HONORABLE JOSEPH H. MCKINLEY, JR.
Committee on Financial Disclosure

HONORABLE EUGENE R. WEDOFF
Advisory Committee on Bankruptcy Rules

HONORABLE SIDNEY A. FITZWATER
Advisory Committee on Evidence Rules

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.

FISCAL YEAR 2015 INTERIM FINANCIAL PLANS

Pending congressional action on the judiciary's appropriations for the 2015 fiscal year, the Executive Committee approved proposed fiscal year 2015 interim financial plans for the Salaries and Expenses (S&E), Defender Services, Court Security, and Fees of Jurors and Commissioners accounts. The interim plan for the S&E account assumes total available resources of \$5,557.9 million, \$177.1 million below current requirements, but \$165.6 million or 3.1 percent over the final FY 2014 financial plan. The plan for the S&E account also incorporates a strategy for distributing allotments to court units. On a national basis, courts will receive an increase of \$76 million or 3.9 percent over FY 2014 decentralized funding, which should allow most court units to maintain on-board staffing levels and hire staff as necessary to address workload needs. The interim plans for the Defender Services, Court Security, and Fees of Jurors accounts fully fund the requirements for those accounts.

MISCELLANEOUS ACTIONS

The Executive Committee —

- Approved a proposed approach to updating the *Strategic Plan for the Federal Judiciary*.
- Approved a request from the Committee on Judicial Conduct and Disability to release for 60 days of public comment, under 28 U.S.C. § 358(c), a draft of possible amendments to the Judicial Conference Rules for Judicial-Conduct and Judicial-Disability Proceedings.

COMMITTEE ON AUDITS AND ADMINISTRATIVE OFFICE ACCOUNTABILITY

COMMITTEE ACTIVITIES

The Committee on Audits and Administrative Office Accountability reported that it was briefed on the progress of an ongoing audit of the judiciary's appropriations. In addition, it was briefed on cyclical audits of courts, federal public defender offices, community defender organization grantees, Chapter 7 and 13 bankruptcy trustees, registry investments, retirement trust funds, the Public Access to Court Electronic Records (PACER) program, and the Central Violations Bureau. The Committee also discussed actions taken following a special audit, the schedule for a risk-based audit pilot, and internal control developments.

COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM

CASE WEIGHTS FOR CHAPTER 11 MEGA CASES

In September 2010, the Judicial Conference adopted new case weights to be used for assessing bankruptcy judgeship needs, based on a study conducted by the FJC in 2008-2009 (JCUS-SEP 10, pp. 8-9). Concerned that the weight given to Chapter 11 mega cases did not adequately reflect the workload associated with such cases, the Committee asked the FJC to examine whether an adjustment was warranted. Based on the FJC analysis, the Committee recommended an amendment to the 2008-2009 case weights to include an adjustment for Chapter 11 mega cases that takes into consideration the higher level of activity in those cases as well as the number of jointly administered cases comprising the mega case. The Judicial Conference approved the Committee's recommendation.

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 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 Bankruptcy Committee, which relied on the results of the 2014 continuing needs survey, the Conference agreed to take the following actions:

- a. Recommend to Congress that no bankruptcy judgeship be statutorily eliminated; and
- b. Advise the Eighth Circuit Judicial Council with respect to the District of South Dakota and the Northern District of Iowa, the Ninth Circuit Judicial Council with respect to the District of Alaska, and the Tenth Circuit Judicial Council with respect to the Western District of Oklahoma to consider not filling vacancies that currently exist or may occur by reason of resignation, retirement, removal, or death, until there is a demonstrated need to do so.

BANKRUPTCY JUDGESHIP PILOT PROJECT

No additional bankruptcy judgeships have been created since 2005 and existing temporary judgeships in districts with high caseloads are due to expire in 2017. To better align available judicial resources with need, the Committee recommended, and the Judicial Conference approved, a pilot project for implementation in fiscal year 2015 that would allow a long-standing bankruptcy judgeship vacancy to be filled and the judge lent, through the use of an intercircuit assignment and an agreement between volunteer circuits, to a district that has an emergency need for an additional bankruptcy judgeship.

COMMITTEE ACTIVITIES

The Committee on the Administration of the Bankruptcy System reported that it is continuing to oversee several matters regarding bankruptcy judgeship resources, including the continuing and additional need judgeship survey processes, prioritization of judgeship recommendations and whether to request temporary judgeships in 2015, and intracircuit and intercircuit assignments. The Committee also recommended to the Budget Committee funding for recalled bankruptcy judges, temporary law clerks, and the bankruptcy administrator program for FY 2015. Additionally, the Committee concurred with the Court Administration and Case Management Committee's

recommendations to the Judicial Conference to increase the fee due upon notice that a direct appeal has been authorized from a bankruptcy court to a court of appeals and to adopt a national policy for redaction of private information from bankruptcy records, along with a new fee for such redactions.

COMMITTEE ON THE BUDGET

FISCAL YEAR 2016 BUDGET REQUEST

After considering the FY 2016 budget requests of the program committees, the Budget Committee recommended to the Judicial Conference a request of \$6,687 million in discretionary appropriations, which is 3.9 percent above assumed discretionary appropriations for fiscal year 2015, but \$4.2 million below the funding levels requested by the program committees. One reduction was to the Defender Services Committee's request to increase the non-capital hourly Criminal Justice Act (CJA) panel attorney rate by \$16 (above expected employment cost index (ECI) adjustments) to bring that rate to the statutory maximum, estimated to be \$144 per hour. Instead, the Budget Committee included a request for a \$6 increase above the expected ECI adjustments. After discussion of this issue, the Conference approved the budget request submitted by the Budget Committee, including the \$6 increase in the non-capital hourly CJA panel attorney rate, 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.

COMMITTEE ACTIVITIES

The Committee on the Budget reported that it recognizes that the overall budget environment is not likely to improve significantly over the next several years, so cost containment remains a necessity for the foreseeable future. The Committee requested that the Administrative Office, working through its advisory structure, develop possible incentives to facilitate cost containment for consideration by the appropriate Judicial Conference committees and the Budget Committee during the upcoming December 2014/January 2015 committee meetings. The Committee also approved updates to several non-salary funding formulas for use beginning with the FY 2015 financial plan.

COMMITTEE ON CODES OF CONDUCT

COMMITTEE ACTIVITIES

The Committee on Codes of Conduct reported that since its last report to the Judicial Conference in March 2014, the Committee received 26 new written inquiries and issued 24 written advisory responses. During this period, the average response time for requests was 13 days. In addition, the Committee chair responded to 37 informal inquiries, individual Committee members responded to 174 informal inquiries, and Committee counsel responded to 527 informal inquiries, for a total of 738 informal inquiries.

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

REDACTION OF BANKRUPTCY RECORDS ALREADY FILED

Redaction Policy. The judiciary's privacy policy relating to electronic access to bankruptcy case files was originally adopted by the Conference in September 2001 (JCUS-SEP/OCT 01, pp. 48-50), and incorporated into Federal Rule of Bankruptcy Procedure 9037 in 2007. It authorizes remote, electronic access to bankruptcy case files as long as certain personal data identifiers are partially redacted. Over the years since the policy was adopted, bankruptcy courts have received a number of requests to amend filings because of a creditor's failure to properly redact personal identifiers as required by Rule 9037. To provide guidance to courts on how to process these requests, the Committee on Court Administration and Case Management, in consultation with the Bankruptcy Committee, developed a policy to address issues such as whether it is necessary to reopen a case in order to make the necessary redactions, who should receive notice of such requests, and how courts should handle large-scale redaction requests. On recommendation of the Committee, the Judicial Conference approved the proposed policy and delegated to the Committee on Court Administration and Case Management authority to make non-substantive, technical, or conforming amendments.

Miscellaneous Fees Related to Redaction. The Committee on Court Administration and Case Management, in consultation with the Bankruptcy Committee, recommended two amendments to the Bankruptcy Court Miscellaneous Fee Schedule to address proceedings initiated to redact bankruptcy case files. First, the Committee recommended, and the

Conference agreed to adopt, the following new fee to file a motion to redact a record, effective December 1, 2014:

(21) For filing a motion to redact a record, \$25 per affected case. The court may waive this fee under appropriate circumstances.

This fee is intended to take into account the court workload related to motions to redact, and to serve as an incentive for filers to use caution when filing documents containing personal identifiers.

The Committee was also concerned that fees for such motions not be prohibitive. The redaction policy adopted by the Conference at this session (see above) clarifies that a court typically should not reopen a closed case solely to redact personal identifiers. However, to address instances in which the court does decide to reopen for that purpose alone, the Committee recommended that the reopening fee (which is equivalent to the original case filing fee) not apply. The Conference agreed to add new exception language, also to be effective on December 1, 2014, as follows:

The reopening fee must not be charged in the following situations:

[...]

- to redact a record already filed in a case, pursuant to Fed. R. Bankr. P. 9037, if redaction is the only reason for reopening.

ADDITIONAL MISCELLANEOUS FEES

Bankruptcy Court Miscellaneous Fee Schedule. An appeal to a court of appeals in a bankruptcy case can proceed in one of two ways—either directly from the bankruptcy court to the court of appeals or from the bankruptcy court to the district court or a bankruptcy appellate panel, and then to the court of appeals. The fee for a direct appeal is set in Item 14 of the Bankruptcy Court Miscellaneous Fee Schedule and consists of two parts: \$293 upon filing the notice of appeal and an additional \$157 upon notice from the court of appeals that the appeal has been authorized, for a total of \$450. The fee for an appeal from a district court or bankruptcy appellate panel to the court of appeals is set in Item 1 of the Court of Appeals Miscellaneous Fee Schedule; that fee was increased in September 2013 from \$450 to \$500. In order to maintain parity in the cost of the two methods for pursuing an appeal, the Committee recommended, and the Conference approved, an increase from \$157 to \$207

in the fee due upon notice that the direct appeal or cross appeal has been authorized, effective December 1, 2014, so that the fees for a direct appeal or cross appeal also total \$500.

Court of Appeals Miscellaneous Fee Schedule. On recommendation of the Committee, the Judicial Conference amended the Court of Appeals Miscellaneous Fee Schedule to clarify that the \$500 docketing fee set forth in Item 1 should be collected in addition to the statutory fee of \$5 that is collected under 28 U.S.C. § 1917. This change was made in response to numerous inquiries from district court clerks about the relationship between these two fees.

BANKRUPTCY NOTICING CENTER APPROPRIATE USE POLICY

Under the United States Bankruptcy Code and the Federal Rules of Bankruptcy Procedure, courts are required to provide notices to large numbers of interested parties in bankruptcy cases. To reduce noticing costs and streamline the noticing process, in 1993, the Administrative Office established the Bankruptcy Noticing Center (BNC), which uses a private contractor to provide centralized notice production and distribution services to bankruptcy courts. To further reduce noticing costs, at this session, the Committee recommended an Appropriate Use Policy to clarify the types of notices that should not be sent through the BNC (e.g., notices the cost of which can be placed on litigants instead of the taxpayers). The Conference approved the policy and delegated to the Committee authority to make non-substantive, technical, or conforming amendments.

EQUAL ACCESS TO JUSTICE ACT

As originally enacted, the Equal Access to Justice Act of 1980 (EAJA), Public Law No. 96-481, required the judiciary to file an annual report with Congress on federal court and administrative awards of attorney fees against the United States. While the legislation was still pending in Congress, the Judicial Conference expressed opposition to such a requirement on the ground that government agencies paying attorney fees, rather than the Director of the Administrative Office, should be required to report those payments (JCUS-SEP 79, pp. 65-66). However, the judiciary was unsuccessful in having the requirement removed before the statute was enacted. The judiciary then sought a legislative amendment to transfer this reporting requirement to

the Department of Justice (DOJ) and other litigating agencies (JCUS-MAR 92, p. 14). In 1992, Congress did transfer the responsibility to the DOJ, and then in 1995 eliminated the requirement altogether. Legislation currently pending in Congress, the Open Book on Equal Access to Justice Act, H.R. 2919, 113th Congress, would reimpose on the judiciary reporting requirements similar to those initially contained in EAJA. Noting that the judiciary's case management system does not collect the information sought, and that imposing such a requirement would unduly burden the courts, the Committee recommended that the Judicial Conference reaffirm its position that any required reporting to Congress (or to any other entity) of attorney fees paid pursuant to the Equal Access to Justice Act (as would be required in H.R. 2919) be made by the government agencies paying such attorney fees, rather than by the Director of the Administrative Office, as those agencies are best positioned to report the information. The Conference approved the Committee's recommendation.

The proposed legislation would also require the judiciary to provide information for public dissemination that is subject to a court sealing order, possibly resulting in expensive satellite litigation to oppose the exposure of sealed information or opening the door for the unsealing of other types of confidential data. The Committee recommended that the Judicial Conference oppose any legislation that would have the effect of requiring the federal courts to unseal, or otherwise make public, information that is meant to be confidential under a federal court order. The Conference approved the Committee's recommendation.

JURY FORM AO 12

The Jury Selection and Service Act (Public Law No. 90-274) requires district courts to create a plan for the random selection of jurors representing a fair cross section of the community within their district or divisions. The Judicial Conference created Form AO 12, the "Report on Operation of the Jury Selection Plan," to help district courts to comply with the Jury Act requirements. A Ninth Circuit opinion states that the most accurate way to calculate the percentage of each demographic group in the jury wheel is to exclude from the calculation those juror responses in which the relevant (e.g., racial or ethnic) background is not indicated. See, *United States v. Rodriguez-Lara*, 421 F.3d 932, 944 n. 11 (9th Cir. 2005). The Committee recommended that Form AO 12 be amended to assist the Ninth Circuit district courts in complying with this instruction, as well as to allow district courts in other circuits to choose which method to use in reporting juror pool

representativeness. The Committee also recommended several technical or conforming amendments to the instructions on the form. The Conference adopted the Committee’s recommendations, amending Form AO 12 to—

- a. Add a separate column that allows district courts to compare census demographics with their jury wheel race, gender, and ethnicity demographics after respondents with unknown demographics are removed; and
- b. Amend the instructions on the last two pages of the form as follows (new language underlined; deletions struck through):
 - (1) **General.** The information to be collected on the AO 12 form is for the use of the district courts to aid them in (1) determining whether their jury wheels comply with the randomness and nondiscrimination provisions of the Jury Selection and Service Act, and (2) comparing statistical samplings of jury wheels against ~~general~~ citizen population data.
 - (2) **Part II**
 [...]

To compute the percentage figures, divide each race/ethnicity/sex distribution figure in subpart (9) by the total number of forms in the sample. Courts using the judiciary’s automated juror management system should use the system’s JS-12 reporting function to provide the race/ethnicity/sex distribution for all completed qualification forms called for in subpart (9).
 - (3) **Part III**
 [...]

If the number of the names in the qualified wheel is larger than the “minimum sample size” and you choose to draw a sample of less than the full wheel, the sample should be drawn using the same procedure as you would use to draw that many names for assignment to jury panels (as directed by 28 U.S.C. §1866(A)). Courts using the judiciary’s automated jury management system should use the system’s JS-12 reporting function to provide the race/ethnicity/sex distribution for all qualified jurors called for in subpart (3).

(4) **Part IV**

[...]

To assist you with these comparisons, the Administrative Office will provide specially programmed Census Bureau information that shows racial, ethnic, and sex data and percentages for the citizen population by county for every federal jury division of your district. You may also provide a demographic breakdown of jury wheel data of respondents with unknown demographic data removed in order to provide a more accurate comparison of the *known* demographic breakdown of jury wheel data with citizen population data.

COMMITTEE ACTIVITIES

The Committee on Court Administration and Case Management reported that it is developing, in collaboration with the Defender Services and Criminal Law Committees, a set of recommendations for review by the Judicial Conference aimed at protecting cooperation information in criminal case filings. As a preliminary step, the Committee agreed to notify the courts of the dangers of including the names of cooperators in orders and opinions. Along with the Committees on the Judicial Branch and Codes of Conduct, this Committee also approved guidelines for federal courts' official use of social media. In addition, it discussed the status of the Next Generation of CM/ECF and reiterated its view that, because the new system will greatly assist judges in managing their cases and caseloads, as well as promote public access, development of the system should continue to be a funding priority.

COMMITTEE ON CRIMINAL LAW

SENTENCING REFORM LEGISLATION

Several bills pending in the 113th Congress address sentencing reform; some would affect the imposition of sentences at the time of sentencing and others would create mechanisms for early release after a period of confinement. The proposed Recidivism Reduction and Public Safety Act of 2013, S. 1675, 113th Congress (as amended and passed by the Senate Committee on the Judiciary, March 6, 2014), falls into the latter category. It would authorize judges to allow inmates, in certain circumstances, to serve a portion of their sentence on home confinement or community supervision. The inmates would remain in Bureau of Prisons custody, but would be under the supervision of

probation and pretrial services officers. The Criminal Law Committee noted that such decisions are in the nature of parole and more appropriately made by the executive branch, which has direct contact with the inmates and the most accurate and up-to-date information about their conduct and condition. The Committee also expressed concern that the legislation could erode determinate sentencing and otherwise undermine the Sentencing Reform Act of 1984. It therefore recommended that the Judicial Conference oppose those portions of S. 1675, 113th Congress (as amended and passed by the Senate Committee on the Judiciary, March 6, 2014), or similar legislation that would require Article III judges to exercise powers that traditionally have been exercised by parole officials in the executive branch in deciding whether an inmate may be allowed to serve a portion of his or her prison sentence in the community. The Conference adopted the Committee's recommendation.

COMMITTEE ACTIVITIES

The Committee on Criminal Law reported that it discussed whether to support the retroactive application of the U.S. Sentencing Commission's proposed amendment to the drug quantity table in the Sentencing Guidelines Manual. After significant and careful evaluation, the Committee voted to support making the proposed amendment retroactive, but only if (1) the courts are authorized to begin accepting and granting petitions on November 1, 2014, (2) any inmate who is granted a sentence reduction will not be eligible for release until at least May 1, 2015, and (3) the Commission helps coordinate a national training program that facilitates the development of procedures that conserve scarce resources and promote public safety. The recommendation to delay inmates' releases was designed to facilitate the effective reentry of the thousands of inmates who could be released early. The Sentencing Commission voted to make the amendment retroactive, effective on November 1, 2014, and delay the release of any inmate whose sentence is reduced as a result of the amendment until November 1, 2015.

COMMITTEE ON DEFENDER SERVICES

COMMITTEE ACTIVITIES

The Committee on Defender Services reported that it met with Deputy Attorney General James Cole to discuss Department of Justice policies and practices that have a significant impact on Defender Services program costs (e.g., discovery issues, the Death Penalty Authorization Protocol,

sentencing reform, new charging policies, and efforts to make electronic discovery accessible to pre-trial detainees). The Committee recommended to the Budget Committee that the judiciary's budget request to Congress include a raise in the non-capital hourly panel attorney rate to the statutory maximum, estimated to be \$144 per hour, effective on January 1, 2016, to ensure the availability of qualified counsel to provide effective representation of CJA defendants. But see "Fiscal Year 2016 Budget Request, *supra*, p. 8." During its discussion of Defender Services program long-range planning, the Committee determined that a comprehensive, impartial review of the CJA program should be performed, consistent with Judicial Conference policy. See JCUS-MAR 93, p. 28.

COMMITTEE ON FEDERAL-STATE JURISDICTION

COMMITTEE ACTIVITIES

The Committee on Federal-State Jurisdiction reported that it continued its review of immigration reform legislation introduced in the House of Representatives, focusing its attention on the points where administrative decisions likely would come to the federal courts for judicial review, as well as provisions that would limit or preclude judicial review. The Committee also discussed House-passed legislation that would make substantial changes to the Administrative Procedure Act, including provisions that would affect judicial review of the administrative rulemaking process. In addition, the Committee considered proposed legislation that would authorize one or both chambers of Congress to initiate a civil action against the President (or other executive branch officials) for an alleged failure to faithfully execute federal laws in violation of the "Take Care" clause of the Constitution.

COMMITTEE ON FINANCIAL DISCLOSURE

COMMITTEE ACTIVITIES

The Committee on Financial Disclosure reported that an upgrade was approved for the current versions of the financial disclosure report preparation software and filing systems. Even after this upgrade, these systems have limitations; thus, the Committee authorized a comprehensive assessment of future needs and alternatives that would explore a wide range of options. The Committee also approved two initiatives designed to clarify and simplify its

guidance and provide better assistance to filers preparing their financial disclosure reports and to the Committee and its staff in reviewing and processing reports. As of June 20, 2014, the Committee had received 3,742 financial disclosure reports and certifications for calendar year 2013 (out of a total of 4,313 required to be filed), which included nomination, initial, annual and final report filings. For annual reports filed for calendar year 2013, the Committee had received 1,122 reports from Supreme Court justices and Article III judges; 306 reports from bankruptcy judges; 478 reports from magistrate judges; and 1,618 reports from judicial employees.

COMMITTEE ON INFORMATION TECHNOLOGY

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 2015 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.

COMMITTEE ACTIVITIES

The Committee on Information Technology reported that it recommended that additional funding be sought in FY 2016 and beyond to meet current court demand for expanded national centralized hosting services while additional study is undertaken on alternatives. It also endorsed expansion of two security policies to include publicly accessible electronic case management (ECF) servers: the first ensures use of host-based intrusion prevention systems software, and the second ensures privileged scans for vulnerabilities. While declining to authorize fingerprint authentication for virtual private network-on-demand access to the judiciary's data communication network, the Committee approved such authentication for nationally supported Lotus Notes email, calendaring, and contacts applications at the court unit's/federal defender organization's discretion.

COMMITTEE ON INTERCIRCUIT ASSIGNMENTS

COMMITTEE ACTIVITIES

The Committee on Intercircuit Assignments reported that 94 intercircuit assignments were undertaken by 73 Article III judges from January 1, 2014, to June 30, 2014. The Committee also reviewed and concurred with two proposed intercircuit assignments of magistrate judges and two proposed intercircuit assignments of bankruptcy judges. During this time, the Committee continued to disseminate to chief district judges information about intercircuit assignments and aid courts requesting assistance by identifying and obtaining judges willing to take assignments.

COMMITTEE ON INTERNATIONAL JUDICIAL RELATIONS

COMMITTEE ACTIVITIES

The Committee on International Judicial Relations reported on its involvement in rule of law and judicial reform activities throughout the world, highlighting efforts in Africa, Europe and Eurasia, Latin America and the Caribbean, the Middle East, and South and Central Asia. The Committee received reports on the rule of law activities from the Department of Justice, United States Agency for International Development, United States Patent and Trademark Office, United States Institute of Peace, Open World Program, Federal Judicial Center, Administrative Office, International Association of Court Administrators, and World Justice Project. The Committee also reported on briefings at the Administrative Office for foreign delegations of jurists and judicial personnel.

COMMITTEE ON THE JUDICIAL BRANCH

MEETING AND CONFERENCE PLANNING LEGISLATION

The proposed Government Spending Accountability Act of 2013, H.R. 313, 113th Congress, and a companion bill in the Senate, S. 1347, contain a variety of substantive and financial disclosure provisions intended to establish transparency and financial accountability regarding government conferences. The Committee on the Judicial Branch reported that some of these provisions create concerns for the judiciary, including substantive

disclosure provisions that would require certain written conference materials to be made available to the public that may reflect sensitive or confidential, predecisional information and financial disclosure requirements that are unduly burdensome. The Committee also noted potential security concerns that arise if the judiciary does not have discretion to determine whether certain information should be made public. For these reasons, the Committee asked the Judicial Conference to recommend to Congress that the judiciary be exempted from coverage in H.R. 313 and S. 1347, and any similar legislation, with the understanding that the Conference would direct the Administrative Office Director to exercise existing statutory and other authority to promulgate regulations that would meet the general goals of such legislation, if enacted. This would allow the judiciary to provide greater transparency about its operations and self-governance, while recognizing its different governance practices and constitutional role. The Conference adopted the Committee's recommendation.

COMMITTEE ACTIVITIES

The Committee on the Judicial Branch reported that it began a new initiative, the Judicial-Congressional Dialogue, with the goal of increasing understanding between the legislative and judicial branches. The first event was held in May 2014 with a panel featuring Supreme Court Associate Justices Stephen Breyer and Samuel Alito, as well as House Judiciary Committee Chairman Bob Goodlatte (R-VA) and Ranking Member John Conyers (D-MI). Ten members of the House Judiciary Committee and all members of the Judicial Branch Committee attended. The Committee also established a new civic engagement subcommittee that worked with the FJC to survey courts about the types of civic education projects courts engage in at the institutional and individual level. The results of the survey will be used to enhance the JNet Educational Outreach Resource page with links to information and materials developed by courts and will assist courts in sharing ideas, knowledge, and materials about civic education programs.

COMMITTEE ON JUDICIAL CONDUCT AND DISABILITY

COMMITTEE ACTIVITIES

The Committee on Judicial Conduct and Disability reported that it discussed complaint-related matters in which the guidance of its chair and staff had been sought. It also discussed a revised draft of possible changes to the

Judicial Conference's Rules for Judicial-Conduct and Judicial-Disability Proceedings (2008).

COMMITTEE ON JUDICIAL RESOURCES

ADDITIONAL ARTICLE III JUDGESHIPS

Recognizing that Congress has not passed comprehensive Article III judgeship legislation since 1990, and that courts require an appropriate number of Article III judges to handle their workloads, in March 2011, the Judicial Conference authorized the Director of the Administrative Office, subject to the approval of the Executive Committee, to pursue separate legislation for Conference-approved additional judgeships for district courts that have 700 or more weighted filings per authorized judgeship, averaged over a three-year period, and that are utilizing all available judicial resources (JCUS-MAR 11, p. 22). At this session, in order to give the Director greater flexibility in pursuing judgeships, the Committee on Judicial Resources recommended that the Conference further prioritize judgeship requests based on additional 100-point increments in weighted filings per judgeship. The Conference agreed and amended its March 2011 position on prioritization of recommendations for additional judgeships for district courts to read as follows (deletions struck through, new language underlined) –

[T]he Director [of the Administrative Office], subject to the approval of the Executive Committee, may (a) pursue separate legislation for Conference-approved additional judgeships for district courts that have 700 or more weighted filings per authorized judgeship, averaged over a three-year period, and that are utilizing all available judicial resources and procedures; ~~and~~ (b) depending on the amount of available funding for new judgeships, pursue separate legislation for any or all Conference-approved judgeships for district courts that have either 500 or more or 600 or more weighted filings per authorized judgeship, averaged over a three-year period, and that are using all available judicial resources and procedures; and (c) provide to Congress a list of the district courts recommended by the Conference for additional judgeships, in order of weighted filings per judgeship.

STAFFING FORMULAS

Court of Appeals and Circuit Offices. In accordance with its schedule for updating staffing formulas every five years, the Committee on Judicial Resources considered updates to the formulas for all court of appeals and circuit offices, including the offices of court of appeals clerks, staff attorneys, circuit executives, circuit mediators, circuit librarians, and bankruptcy appellate panel clerks. After extensive data collection and input from the courts, the Committee recommended, and the Judicial Conference approved—

- a. New staffing formulas for court of appeals and circuit offices to be applied starting in fiscal year 2015, which provide a total of 1,955.6 full-time equivalents (FTEs), based on statistical year 2013 workload;
- b. The use of three-year averages for case filings when implementing the new staffing formulas for the offices of bankruptcy appellate panel clerks, courts of appeals clerks, and staff attorneys; and single-year totals for the offices of circuit executives, circuit librarians, and circuit mediators; and
- c. The use of additional staffing formula factors for:
 - (1) 13.3 additional FTE staff attorney positions in the Eleventh Circuit’s Office of Staff Attorneys;
 - (2) 3.5 additional FTEs in the Third Circuit’s Office of the Circuit Executive for two years;
 - (3) 8.6 additional FTEs in the Second Circuit’s Office of the Court of Appeals Clerk; and
 - (4) 12 additional FTEs for a circuit information technology security officer position in each of the circuit executive offices.

Bankruptcy Administrator Offices. As part of the scheduled five-year updates of staffing formulas, the Committee considered proposed revisions to the staffing formula for bankruptcy administrator offices. On recommendation of the Committee, the Conference approved a new staffing formula for bankruptcy administrator offices to be applied starting in fiscal year 2015, which provides 55 FTEs, based on statistical year 2013 workload. The Conference also adopted the Committee’s recommendation that two-year

weighted caseload averages, rather than single-year values, should be used for staffing formula calculations—with a 60 percent weight given to the most recent statistical year data, and a 40 percent weight given for the statistical year preceding the most recent statistical year.

Naturalization Ceremonies. In September 2013, the Judicial Conference approved a new staffing formula for district clerks’ offices that includes a constant value of .23 FTE staff for each district clerk’s office for naturalization ceremonies (JCUS-SEP 13, p. 25) . While this allocation is sufficient for districts performing naturalization ceremonies within a reasonable range of the average number of ceremonies (29), or the average number of oaths (4,089), several districts sustain workload well beyond the reasonable range. To accommodate this additional workload, the Committee recommended that the Conference allocate 8.33 FTE staff in fiscal year 2015 to the following seven districts to support naturalization ceremonies: New York (Eastern), Texas (Southern), Michigan (Eastern), Ohio (Southern), Arizona, California (Central), and Nevada. It also recommended that the Conference ask the Administrative Office to recompute annually the required staffing to support naturalization ceremonies until implementation of the next staffing formula update for district clerks’ offices. The Conference adopted the Committee’s recommendations.

COURT INTERPRETER

The Committee on Judicial Resources recommended, and the Judicial Conference approved, one full-time equivalent position for a Spanish staff court interpreter for the District of Puerto Rico, beginning in fiscal year 2016, based on the Spanish language interpreting workload in that court.

VOLUNTEER SERVICES IN THE COURTS

Citing an increasing number of volunteers serving in judges’ chambers and the implications of such volunteer service for the judiciary’s human resources policies, the Executive Committee asked the Judicial Resources Committee, in consultation with other relevant committees, to consider and take appropriate action (including policy recommendations to the Judicial Conference) on the subject of unpaid law clerks in the federal courts. The Committee expanded the scope of inquiry beyond volunteers in chambers to include unpaid staff in courts and federal defender organizations (FDOs). Taking into consideration guidance provided by the AO General Counsel, and

input from several committees, the Committee recommended the policy set forth below regarding volunteer services in courts. Because of the unique role volunteers play in FDOs, the Committee determined not to include those offices in the recommended policy and to consider them separately at a later date.

- a. A volunteer arrangement must focus, either exclusively or primarily, on providing an educational experience for the volunteer. Any functions for which specific statutory authority exists to accept volunteer services (e.g., volunteer probation officers under 18 U.S.C. § 3602(a) or individuals appointed to preside over proceedings under Federal Rule of Appellate Procedure 33) are excluded from this educational experience requirement. Formal pro bono programs in courts of appeals and district courts are also excluded.
- b. A volunteer may provide no more than 2,080 hours of voluntary service to the courts. Any functions for which specific statutory authority exists to accept volunteer services (e.g., volunteer probation officers under 18 U.S.C. § 3602(a) or individuals appointed to preside over proceedings under Federal Rule of Appellate Procedure 33) are excluded from this time limitation.
- c. Courts may not accept volunteer services from individuals related to judges or a public official of the court, consistent with the limitation on the employment of certain relatives of a judge in 28 U.S.C. § 458(a)(1) and the limitation on the employment of certain relatives of a public official in 5 U.S.C. § 3110(a)-(c), to avoid possible perceptions of favoritism.
- d. Existing conflict of interest rules and other related ethics guidance apply to volunteers and courts when accepting services from volunteers.
- e. For chambers volunteers, in addition to the policies provided above:
 - (1) Duty titles may not include any derivation of the term “law clerk.”
 - (2) Time served by a law school graduate as a chambers volunteer may be creditable legal work experience for grade determining

purposes, but such service is not creditable as chambers law clerk experience.

The Judicial Conference adopted the Committee's recommendations.

COMMITTEE ACTIVITIES

The Committee on Judicial Resources reported that it approved a recommendation from its Subcommittee on Judicial Statistics that the Committee refrain from recommending new temporary judgeships in the 2015 Biennial Survey of Judgeship Needs and submit recommendations to the Judicial Conference only for the creation of new permanent judgeships and the conversion to permanent status or extension of existing temporary judgeships. The Committee agreed to form a subcommittee and ask members from other Judicial Conference committees to serve as liaisons to examine the grade levels of court unit executives other than circuit executives and federal public defenders, and to include in the study an earlier request regarding the grades of clerks of the courts of appeals. The Committee decided to hold in abeyance until its December 2014 meeting the request of the Administrative Office's Bankruptcy Clerks Advisory Group to reconsider the implementation of the fiscal year 2016 staffing reduction (162.1 full-time equivalent staff) for presumed shared administrative services in bankruptcy clerks' offices that was approved by the Judicial Conference in September 2012 (JCUS-SEP 12, pp. 22-23).

COMMITTEE ON JUDICIAL SECURITY

COMMITTEE ACTIVITIES

The Committee on Judicial Security reported that it discussed with the U.S. Marshals Service (USMS) leadership the Home Intrusion Detection Systems (HIDS) program, which is solely funded by the USMS's appropriation and provides judges with a basic home alarm system. The USMS will re-compete the HIDS contract in late fiscal year 2015, and has asked the Committee to provide input about judges' views on that program. As of June 2014, 1,666 judges participate in the HIDS program.

COMMITTEE ON THE ADMINISTRATION OF THE MAGISTRATE JUDGES SYSTEM

APPOINTMENT AND REAPPOINTMENT REGULATIONS

The Committee on the Administration of the Magistrate Judges System considered amendments to the Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Appointment and Reappointment of United States Magistrate Judges to clarify the minimum qualifications for appointment as a magistrate judge. On recommendation of the Committee, the Conference agreed to amend the regulations (a) to make clear under section 420.10.10(b)(4) that “no more than two years” of law clerk, staff attorney, or pro se law clerk experience in a court may be counted toward the five-year requirement of the active practice of law; and (b) to specify that under section 420.10.10(b)(5) “other legal experience” be “substantial,” that it have been performed after receipt of a law degree or license to practice law, and that the categories of experience considered in subparts (1) through (4) of section 420.10.10(b) not be considered as legal experience under section 420.10.10(b)(5).

CHANGES IN MAGISTRATE JUDGE POSITIONS

After considering the report of the Committee on the Administration of the Magistrate Judges System and the recommendations of the Administrative Office, the district courts, and the judicial councils of the circuits, the Judicial Conference agreed to—

EIGHTH CIRCUIT

District of North Dakota

Discontinue the part-time magistrate judge position at Grand Forks upon the filling of the full-time magistrate judge position vacancy at Fargo;

NINTH CIRCUIT

Northern District of California

Authorize an additional full-time magistrate judge position at San Jose or San Francisco;

Western District of Washington

Authorize an additional full-time magistrate judge position at Seattle or Tacoma and discontinue the part-time magistrate judge position at Vancouver upon the filling of the newly authorized full-time magistrate judge position;

TENTH CIRCUIT

District of Wyoming

Increase the salary of the full-time magistrate judge position at Yellowstone National Park from 55 percent of the maximum salary of a full-time magistrate judge position (\$100,745 per annum) to 80 percent of the maximum salary of a full-time magistrate judge position (\$146,538 per annum), and discontinue the part-time magistrate judge position at Jackson; and

ELEVENTH CIRCUIT

Middle District of Florida

Authorize an additional full-time magistrate judge position at Tampa.

ACCELERATED FUNDING

On recommendation of the Committee, the Conference agreed to designate for accelerated funding, effective April 1, 2015, the new full-time magistrate judge positions at San Jose or San Francisco in the Northern District of California, at Seattle or Tacoma in the Western District of Washington, and at Tampa in the Middle District of Florida.

COMMITTEE ACTIVITIES

The Committee reported that after full consideration of district-wide survey reports prepared by the Administrative Office, it determined not to recommend any changes in the number of authorized magistrate judge positions in nine 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 2013 and June 2014 meetings, the Committee approved, through its chair, filling 19 magistrate judge position vacancies. At its June 2014 meeting, the full Committee considered and approved requests from five courts to fill six magistrate judge position vacancies. The Committee also considered and approved requests to extend the recall of nine retired magistrate judges, in one instance voting to approve staff for only as long as the court maintains a magistrate judge position vacancy.

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

FEDERAL RULES OF BANKRUPTCY PROCEDURE

The Committee on Rules of Practice and Procedure submitted to the Judicial Conference proposed revisions of Official Bankruptcy Forms 3A (Application for Individuals to Pay the Filing Fee in Installments), 3B (Application to Have the Chapter 7 Filing Fee Waived), 6 Summary (Summary of Schedules), 17 (to become 17A) (Notice of Appeal), 22A (to become 22A-1, 22A-1 Supp, and 22A-2) (Statement of Current Monthly Income and Means-Test Calculation), 22B (Chapter 11 Statement of Current Monthly Income), and 22C (to become 22C-1 and 22C-2) (Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income), and proposed new Official Bankruptcy Forms 17B (Optional Appellee Statement of Election to Proceed in District Court) and 17C (Certificate of Compliance With Rule 8015(a)(7)(B) or 8016(d)(2)), together with Committee Notes explaining the purpose and intent of the proposed changes. The Judicial Conference approved the new and revised forms to take effect on December 1, 2014.

FEDERAL RULES OF CIVIL PROCEDURE

The Committee on Rules of Practice and Procedure submitted to the Judicial Conference proposed amendments to Civil Rules 1 (Scope and

Purpose), 4 (Summons), 16 (Pretrial Conferences; Scheduling; Management), 26 (Duty to Disclose; General Provisions; Governing Discovery), 30 (Depositions by Oral Examination), 31 (Depositions by Written Questions), 33 (Interrogatories to Parties), 34 (Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes), 37 (Failure to Make Disclosures or to Cooperate in Discovery; Sanctions), and 55 (Default; Default Judgment), and a proposed abrogation of Civil Rule 84 (Forms) and the Appendix of Forms, together with Committee Notes explaining the purpose and intent of the proposals. The Conference approved the proposed changes 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.

COMMITTEE ACTIVITIES

The Committee on Rules of Practice and Procedure reported that it approved publication for public comment of proposed amendments to Appellate Rules 4, 5, 21, 25, 26, 27, 28.1, 29, 32, 35, and 40, and Forms 1, 5, and 6, as well as proposed new Form 7; proposed amendments to Bankruptcy Rules 1010, 1011, 2002, 3002, 3002.1, 3007, 3012, 3015, 4003, 5009, 7001, 9006, 9009, and proposed new Rule 1012, and proposed amendments to Official Forms 11A (to be abrogated), 11B (to be abrogated), 106J, 201, 202, 204, 205, 206Sum, 206A/B, 206D, 206E/F, 206G, 206H, 207, 309A, 309B, 309C, 309D, 309E, 309F, 309G, 309H, 309I, 312, 313, 314, 315, 401, 410, 410A, 410S1, 410S2, 416A, 416B, 416D, 424, and Instructions, and proposed new Official Forms 106J-2 and 113; proposed amendments to Civil Rules 4, 6, and 82; and proposed amendments to Criminal Rules 4, 41, and 45. The proposed rules and forms were published on August 15, 2014, and the comment period closes at midnight on February 17, 2015.

COMMITTEE ON SPACE AND FACILITIES

COMPONENT B PROJECTS

In September 2007, the Judicial Conference adopted a circuit rent budget allotment methodology that divides the judiciary's rent bill into three components (JCUS-SEP 07, pp. 36-37). "Component B" of the rent bill funds newly constructed courthouses or annexes and prospectus-level repair and alteration projects, as well as necessary chambers and courtrooms for judges taking senior status, replacement judges, and new judgeships. Although

chambers and courtroom requests generally require only Committee approval, two such requests submitted in 2014—one for a chambers in Baltimore, Maryland and one for a chambers and courtroom in Winston-Salem, North Carolina—exceed *U.S. Courts Design Guide* standards with regard to usable square feet, and thus also require Judicial Conference approval. The Committee reported that the two projects exceed the designated square footage due to the existing configuration of the space that is to be occupied, and that it would be impractical to reduce the space to *Design Guide* standards. On recommendation of the Committee, the Judicial Conference approved the Component B requests for Baltimore, Maryland and Winston-Salem, North Carolina.

NO NET NEW POLICY

In September 2013, as part of an effort to reduce the judiciary’s space footprint, the Judicial Conference adopted a No Net New policy that provides that any increase in square footage within a circuit needs to be offset by an equivalent reduction in the square footage within the same year (JCUS-SEP 13, p. 32). After receiving feedback from the courts indicating that it was difficult to ensure that the acquisition and release of space occurred in the same year because of the many variables outside of the courts’ control (e.g. construction schedules, and timing of General Services Administration (GSA) acceptance of the returned space), the Committee recommended that the policy be amended to provide that the offset in square footage must be *identified* but not necessarily *released* within the same fiscal year. The Conference adopted the Committee’s recommendation.

SPACE RELEASE ALLOTMENT PROGRAM

In September 2012, as an incentive for courts to release space, the Judicial Conference amended the circuit rent budget business rules to provide an allotment of one year’s rental savings directly to a court that releases space, to be available for use within two years, at the discretion of the chief judge of the relevant court (JCUS- SEP 12, p. 32). Due to the limited amount of funding for space release allotments, the popularity of the program, and concern that large projects could absorb all of the funding, the Committee recommended that the Judicial Conference approve a process for distribution of space release allotments whereby, if there are insufficient funds, the AO will distribute allotments over \$100,000 on a phased basis and the Committee will

address requests for allotments in excess of \$1 million on a case-by-case basis. The Conference approved the Committee's recommendation.

ALTERNATIVE WORKPLACE STRATEGIES

The judiciary undertook the Integrated Workplace Initiative (IWI) in 2011 to identify innovative management, technology and space planning techniques that are compatible with court operations. The goal was to optimize space utilization and thereby reduce rental costs. Based on the study phase of IWI, including surveys of over 3000 employees from 25 district and circuit courts and proof of concept studies for a variety of court projects, the Committee developed alternative workplace strategies that focus on the space planning and standards component of IWI. The Committee recommended, and the Judicial Conference approved, an alternative workplace strategies chapter to be included in the *U.S. Courts Design Guide*. The strategies described in the *Design Guide* chapter identify key components of an efficiently designed office environment that supports mobile work, encourages collaboration, and is compatible with modern technology.

CLOSURE OF NON-RESIDENT FACILITIES

The Judicial Conference considers non-resident court facilities for closure based on criteria established in 2006 (JCUS-MAR 06, p. 28), and upon the recommendation of the appropriate circuit judicial council (28 U.S.C. § 462(b)(f)). After receiving notice that the Eighth Circuit Judicial Council had approved ceasing district court operations in the federal building in North Platte, Nebraska, the Committee recommended, and the Conference approved, the closure of that facility.

FIVE-YEAR COURTHOUSE PROJECT PLAN

On recommendation of the Committee, the Judicial Conference approved a *Five-Year Courthouse Project Plan for FYs 2016-2020*. All projects on this *Five-Year Plan* were evaluated using the asset management planning (AMP) process approved by the Judicial Conference in 2008 (JCUS-SEP 08, p. 26) and were ranked based on their AMP urgency evaluation (UE) score. All projects, except for the project in Nashville, Tennessee, are listed on the *Five-Year Plan* in priority order based on their UE score. The Nashville project retains its position on the Plan as the judiciary's highest priority, even

though it does not have the highest urgency score, because of the substantial investment that has already been made in that project and the substantial progress that has been made on design, site acquisition, and site preparation.

COMMITTEE ACTIVITIES

The Committee on Space and Facilities reported that it was updated on the status of the Committee's GSA Service Validation initiative, which focuses on improving delivery of services that the judiciary receives from GSA in the following areas: 1) appraisal methodology/return on investment pricing practice; 2) overtime utility estimating and energy savings sharing; 3) space assignment, classification and billing validation; and 4) project management: scope, development, and estimating. The Committee also reported that the Government Accountability Office, at the request of the House Committee on the Judiciary, was engaged to conduct a study regarding Recovery and Reinvestment Act funding to construct and repair federal courthouses or convert them to green buildings; the study is expected to be completed in the fall of 2014.

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