

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

**September 17, 2024**

The Judicial Conference of the United States convened on September 17, 2024, 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 David Jeremiah Barron  
Judge William E. Smith,  
District of Rhode Island

Second Circuit:

Chief Judge Debra Ann Livingston  
Chief Judge Margo K. Brodie,  
Eastern District of New York

Third Circuit:

Chief Judge Michael A. Chagares  
Chief Judge Mitchell S. Goldberg,  
Eastern District of Pennsylvania

Fourth Circuit:

Chief Judge Albert Diaz  
Judge John Bailey,  
Northern District of West Virginia

Fifth Circuit:

Chief Judge Priscilla Richman  
Chief Judge Debra M. Brown,  
Northern District of Mississippi

Sixth Circuit:

Chief Judge Jeffrey S. Sutton  
Judge S. Thomas Anderson,  
Western District of Tennessee

Seventh Circuit:

Chief Judge Diane S. Sykes  
Judge Jon DeGuilio,  
Northern District of Indiana

Eighth Circuit:

Judge John R. Tunheim,  
District of Minnesota

Ninth Circuit:

Chief Judge Mary H. Murguia  
Judge Leslie E. Kobayashi,  
District of Hawaii

Tenth Circuit:

Chief Judge Jerome A. Holmes  
Chief Judge William Paul Johnson,  
District of New Mexico

Eleventh Circuit:

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

District of Columbia Circuit:

Chief Judge Srikanth Srinivasan  
Chief Judge James Emanuel Boasberg,  
District of Columbia

Federal Circuit:

Chief Judge Kimberly A. Moore

Court of International Trade:

Chief Judge Mark Barnett

Also participating in this session of the Conference were the following current or incoming Judicial Conference committee chairs: Circuit Judges Jay S. Bybee, Jennifer Walker Elrod, Amy J. St. Eve, Michael Y. Scudder, Richard J. Sullivan, and William B. Traxler, Jr.; District Judges John D. Bates, David G. Campbell, Edmond E-Min Chang, James C. Dever III, Jesse M. Furman, Nicholas G. Garaufis, Darrin P. Gayles, Marcia Morales Howard, Brian Stacy Miller, William L. Osteen, Jr., Mary Elizabeth Phillips, Robin L. Rosenberg, Cathy Seibel, Rodney W. Sippel, and Glenn T. Suddaby; and Bankruptcy Judges Rebecca Buehler Connelly and Julie Ann Manning. Attending as the bankruptcy judge and magistrate judge observers, respectively, were Bankruptcy Judge Alan S. Trust and Magistrate Judge Timothy Adam Baker. Jarrett B. Perlow of the Federal Circuit represented the circuit executives.

Participating from the Administrative Office of the United States Courts were Judge Robert J. Conrad, Jr., Director; Lee Ann Bennett, Deputy Director; William S. Meyers, General Counsel; Joshua C. Lewis, Judicial Conference Secretariat Officer; Karen A. Schroeder, Deputy Judicial Conference Secretariat Officer; David T. Best, Legislative Affairs Officer; and Peter P. Kaplan, Public Affairs Officer. John S. Cooke, Director, and Clara J. Altman, Deputy Director, Federal Judicial Center, as well as Judge Carlton W. Reeves, Chair, and Kenneth P. Cohen, Staff Director, United States Sentencing Commission, also participated, as did Judge Robert M. Dow, Jr., Counselor to the Chief Justice and Ethan V. Torrey, Supreme Court Legal Counsel.

Attorney General Merrick B. Garland addressed the Conference on matters of mutual interest to the judiciary and the Department of Justice. Senators Susan Collins, Richard Durbin, John Kennedy, and Sheldon Whitehouse spoke on matters pending in Congress of interest to the Conference.

## **REPORTS**

Judge Conrad reported to the Judicial Conference on the judicial business of the courts and on matters relating to the Administrative Office. Mr. Cooke spoke to the Conference about Federal Judicial Center programs, and Judge Reeves reported on United States Sentencing Commission activities. Judge Scudder presented a special report on information technology matters.

## **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 the Judicial Conference committee chairs whose terms of service end in 2024:

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

**HONORABLE JENNIFER WALKER ELROD**  
Committee on Codes of Conduct

**HONORABLE BRIAN STACY MILLER**  
Committee on Judicial Resources

**HONORABLE MARCIA HOWARD**  
Committee on the Administration of the Magistrate Judges System

**HONORABLE JAY S. BYBEE**  
Advisory Committee on Appellate Rules

**HONORABLE PATRICK J. SCHILTZ**  
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.

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## MISCELLANEOUS ACTIONS

The Executive Committee—

- Approved costs related to the 2025 Ninth Circuit judicial conference, pursuant to § 230(a)(2) of the Judicial Conference regulations on meeting planning and administration, *Guide to Judiciary Policy (Guide)*, Volume 24, Chapter 2.
- Approved final fiscal year 2024 financial plans for the Salaries and Expenses, Defender Services, Court Security, and Fees of Jurors and Commissioners accounts.
- Approved schedules of events for the sessions of the Judicial Conference to be held in calendar year 2027.
- At the recommendation of the Committee on the Budget, extended the deadline for Judicial Conference committees to develop proposals to help limit the growth of the judiciary’s budget, directing that they be submitted for Judicial Conference consideration no later than its March 2025 session.
- In accordance with Rule 2 of the Rules for Processing Judicial Council Certificates of Potential Impeachable Conduct, *Guide*, Volume 2, Part E, § 420(2), referred *In Re Complaint of Judicial Misconduct*, No. 09-22-90121 to the Judicial Conference Committee on Judicial Conduct and Disability for processing and the preparation of a report with recommendations back to the Conference.
- Agreed to appoint a working group to review the results of a July 2024 Administrative Office survey regarding diversity, equity, and inclusion programs.

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

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### **COMMITTEE ACTIVITIES**

The Committee on Audits and Administrative Office (AO) Accountability reported that it was updated on the status and results of various audits and engagements, including audits of bankruptcy trustees, community defender organizations, the judiciary's retirement funds, and the judiciary's appropriations and cyclical financial audits of court units and federal public defender organizations. The Committee was briefed on the AO's progress in response to recommendations from completed audits. The Committee was also updated on the planning and timeline for implementing changes to the judiciary's financial reporting model. In addition, the Committee was briefed on the status of the Fraud, Waste, and Abuse Working Group, which will hold its first meeting in late 2024.

## **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 Conference reports to Congress its findings and any recommendations for the elimination of an authorized bankruptcy judgeship 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 2024 continuing need assessment, the Conference agreed to take the following actions:

- a. Recommend to Congress that no existing bankruptcy judgeship be statutorily eliminated; and
- b. Advise the appropriate circuit judicial councils 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 in the following districts: Alabama-Northern, Alaska, Arizona, California-Central, California-Eastern, California-Northern, California-Southern, Colorado, Connecticut,

Florida-Middle, Georgia-Northern, Georgia-Southern, Idaho, Illinois-Central, Illinois-Northern, Illinois-Southern, Indiana-Northern, Indiana-Southern, Iowa-Northern, Iowa-Southern, Kansas, Kentucky-Western, Louisiana-Western, Maine, Maryland, Massachusetts, Michigan-Eastern, Michigan-Western, Minnesota, Missouri-Eastern, Missouri-Western, Nebraska, New Mexico, New York-Northern, New York-Southern, New York-Western, North Carolina-Middle, Ohio-Northern, Ohio-Southern, Oklahoma-Northern, Oklahoma-Western, Oregon, Pennsylvania-Eastern, Pennsylvania-Western, Puerto Rico, South Carolina, South Dakota, Tennessee-Eastern, Tennessee-Western, Texas-Western, Virginia-Eastern, Virginia-Western, Washington-Eastern, Washington-Western, Wisconsin-Eastern, and Wisconsin-Western.

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## **COMMITTEE ACTIVITIES**

The Committee on the Administration of the Bankruptcy System reported that it received an update from the Federal Judicial Center regarding the status of its study to develop new bankruptcy case weights, which began in October 2023. The Committee continued to defer consideration of whether to identify additional courts to participate in the bankruptcy judgeship vacancy pilot, approved by the Conference in September 2014 (JCUS-SEP 2014, p. 7), until bankruptcy filings increase. The Committee also discussed case assignment issues that have arisen in bankruptcy courts in recent years and will continue to consider potential policy and guidance in this area, in collaboration with the Committee on Court Administration and Case Management. Finally, the Committee was briefed on the status of various Strategic Budget Initiatives and expressed a commitment to continue to collaborate with other committees on these initiatives.

## **COMMITTEE ON THE BUDGET**

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### **FISCAL YEAR 2026 BUDGET REQUEST**

After considering the budget requests of the program committees, the Committee on the Budget recommended to the Judicial Conference a fiscal year (FY) 2026 budget request of \$9.1 billion in discretionary appropriations, which is 7.0 percent above assumed discretionary appropriations for FY 2025, but \$55.0 million below the funding levels requested by the program committees. The Judicial Conference approved the Committee's FY 2026 budget request, subject to

amendments necessary as a result of (a) new legislation, (b) actions of the Judicial Conference, (c) changes in standard inflation factors or funding assumptions, or (d) any other reason the Executive Committee considers necessary and appropriate.

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## **COMMITTEE ACTIVITIES**

The Committee on the Budget reported that it discussed the status and outlook of FY 2025 appropriations and the continued importance of congressional outreach. The Committee also discussed Conference committees' updated evaluations of their ongoing initiatives to help limit the growth of the judiciary's budget and requested committees prepare final proposals for consideration by the Committee at its January 2025 meeting.

## **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 Conference in March 2024, the Committee received 25 requests for a private Committee opinion and issued 25 such opinions. During this period, the average response time to a request was eight days. In addition, the Committee chair responded to 53 requests for informal advice, individual Committee members responded to 208 requests, and Committee staff counsel responded to 608 requests, for a total of 869 responses to requests for informal advice during the past six months.

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

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### **RECORDS MANAGEMENT**

The retention and disposition of judiciary records is controlled by records disposition schedules jointly established by the Judicial Conference and the National Archives and Records Administration (NARA) (28 U.S.C. § 457). At this session, the Judicial Conference approved two recommendations of the Committee on Court Administration and Case Management related to these schedules, as set forth below.



Electronic Case Files. In September 2018, the Judicial Conference approved amending Records Disposition Schedules 1 and 2 to apply the existing permanent and temporary designations used for paper files to electronic case files, but to assign a 50-year rather than 15-year retention period prior to ultimate disposition, and authorized the revised schedules to be transmitted to NARA for its concurrence (JCUS-SEP 2018, pp. 16-17). The Committee noted that NARA has been reluctant to deviate from the maximum 30-year transfer period established under 44 U.S.C. § 2107(a)(2), but signed a Memorandum of Understanding (MOU) with the Administrative Office (AO) in November 2023 agreeing to delay implementation of the 30-year retention period by 10 years to allow the judiciary and NARA to work together to address judiciary policy, technical, and operational issues associated with transferring electronic records to NARA. It accordingly recommended that the Conference approve, and transmit to NARA for its concurrence, revisions to the judiciary's September 2018 proposed amendments to Records Disposition Schedules 1 and 2 to reduce the retention period for electronic case files from 50 to 30 years, consistent with the terms of the November 2023 MOU between the AO and NARA on these amendments. The Conference adopted the Committee's recommendation.

Standing Orders. In September 2023, the Judicial Conference approved amendments to Records Disposition Schedules 1 and 2 to incorporate records disposition requirements for standing orders, and authorized the revised schedules to be transmitted to NARA for its concurrence (JCUS-SEP 2023, p. 11). Based on a suggestion from NARA to make clearer when standing orders should be transferred to NARA, the Committee recommended that the Conference approve, and transmit to NARA for its concurrence, revisions to the judiciary's September 2023 proposed amendments to Records Disposition Schedules 1 and 2 to clarify that standing orders designated as permanent should be transferred to NARA 15 years after they are superseded or abrogated. The Conference adopted the Committee's recommendation.

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## COMMITTEE ACTIVITIES

The Committee on Court Administration and Case Management reported that it continued its discussion of remote public access to court proceedings and agreed to provide guidance to the courts: (1) regarding case law addressing the constitutionality of recording and rebroadcasting restrictions; (2) suggesting the inclusion of some form of physical courtroom access when providing public access to civil and bankruptcy proceedings that are conducted entirely remotely; and (3) supporting the use of nationally provided technology to provide remote public access. The Committee also broadcast a memorandum to the courts regarding recent developments concerning the use of artificial intelligence in court administration and case management.

The Federal Judicial Center briefed the Committee on the completion of its study of unredacted personal information in court filings, and the Committee endorsed a recommendation from the Rules Committee that the Judicial Conference approve the statutorily required report on the adequacy of the privacy rules (see *infra*, at p. 24). The Committee received an update on the Shared and Remote Court Reporting project approved by the Committee in June 2023 and, given the overwhelming positive feedback from courts to date, endorsed continued incremental expansion of the project with a goal of nationwide participation. Finally, the Committee completed its Strategic Budget Initiative assignments and reported its conclusions to the economy subcommittee of the Committee on the Budget. Following the meeting, the Committee transmitted a report to the Budget Committee detailing the Committee's extensive work and recommendations regarding the assignment to explore potential alternative organizational models and ways to address concerns/challenges identified by court units with respect to such alternatives.

## COMMITTEE ON CRIMINAL LAW

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### SUPERVISION OF FEDERAL DEFENDANTS

On recommendation of the Committee on Criminal Law, the Judicial Conference approved revisions to the *Supervision of Federal Defendants* (Monograph 111), *Guide to Judiciary Policy (Guide)*, Volume 8, Part C, to remove non-policy procedural and operational guidance that will be migrated to a new procedures manual, and delegated to the Committee on Criminal Law the authority to approve future revisions of this nature to the *Guide*, Volume 8.

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### LOCATION MONITORING POLICY AND PROCEDURES

On recommendation of the Committee on Criminal Law, the Judicial Conference approved changes to the *Federal Location Monitoring Program* (Monograph 113), *Guide*, Volume 8, Part F, and AO Form 199B (Additional Conditions of Release) to reflect and allow for the use of new monitoring technologies.

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## COMMITTEE ACTIVITIES

The Committee on Criminal Law reported on its continuing discussion of potential ways of incorporating evidence-based strategies into pretrial services, including: (a) its support for enhancing systemwide literacy in the use of the Federal Pretrial Risk Assessment (PTRA); and (b) its engagement with the Federal Judicial Center on its investigation into a potential pilot for researching the impact on judicial decision-making of supplementing the bail report with PTRA information. The Committee also approved a new Presentence Investigation and Report Procedures Manual for use by probation officers that updates procedural guidance previously housed in the *Guide* and is expected to introduce only limited changes to the substance and presentation of probation officers' work product. The Committee also endorsed guidance on the safekeeping of physical evidence in criminal cases that includes recommendations for best practices and examples of relevant district policies adopted via local rule, and recommended that the Administrative Office release it to courts and other stakeholders. Finally, the Committee provided information on the ongoing initiative to replace the Probation and Pretrial Services Automated Case Tracking System (PACTS) with a new system, PACTS360.

## COMMITTEE ON DEFENDER SERVICES

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### CRIMINAL JUSTICE ACT RESOLUTION

On recommendation of the Committee on Defender Services, the Judicial Conference endorsed the following resolution in recognition of the 60<sup>th</sup> anniversary of the enactment of the Criminal Justice Act of 1964:

The Judicial Conference of the United States recognizes the sixtieth anniversary of the Criminal Justice Act of 1964 (CJA), 18 U.S.C. § 3006A, which created a national program, administered by the judiciary, for the appointment and compensation of counsel to represent individuals who have been charged with a federal crime and cannot afford to pay for their defense. The statute promotes equal justice by ensuring that all federal criminal defendants receive the effective assistance of counsel guaranteed by the Sixth Amendment.

This landmark legislation was the culmination of years of study, investigation, and proposals by the Judicial Conference, the Department of

Justice, bar associations, law schools, and legal scholars across the country. Following its enactment, the CJA program has benefited from continuous study and review. A series of comprehensive studies conducted over the CJA's lifetime has helped identify best practices for the administration of the criminal defense function in the federal courts. Based on these studies, and consistent with core principles for public defense, the Judicial Conference has adopted policies to support the establishment and resourcing of institutional federal defender offices and the creation of highly qualified, fairly compensated, and optimally sized panels of private attorneys. Today, 82 federal defender organizations provide representation in 92 of the 94 federal districts, and over 10,000 private attorneys who accept CJA appointments provide representation in all 94 districts.

At the same time, the CJA program has adapted to dramatic changes in the criminal justice system over the last six decades. The expansion of federal criminal jurisdiction, the advent of federal sentencing guidelines, and rapid developments in technology and electronic discovery have contributed to the growing complexity of federal criminal practice. Today, federal public defense is a specialized practice that requires considerable skill and a commitment of time from defense counsel who must respond to a host of prosecutorial initiatives backed by the resources of the Department of Justice.

To fulfill its mission, the CJA program must remain “adversary in nature as well as high in quality.” S. Rep. No. 91-790, at 18 (April 23, 1970). Through congressional funding, Judicial Conference support, and the dedication and skill of thousands of federal defender personnel and CJA panel attorneys, the CJA program has become the gold standard for public defense, providing representation to the vast majority of individuals charged with federal crimes. By safeguarding the rights of individual defendants, the CJA program protects the rights and liberties of all citizens.

The Judicial Conference remains committed to supporting the CJA program as a critical component of the adversarial system of justice.

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## **INTERIM PAYMENTS FOR CJA REPRESENTATIONS**

In 1979, the Judicial Conference approved amendments to the *Guidelines for Administering the Criminal Justice Act (Guidelines)* that authorize the use of interim payments when considered necessary and appropriate in a specific case. *Guide to*

*Judiciary Policy*, Volume 7A, Chapter 2, §§ 230.63.50 and 230.73; Chapter 3, § 310.60; and Chapter 6, §§ 630.40 and 660.40. Since then, federal criminal cases have become considerably more complex, taking significantly longer to resolve, while technological advances have dramatically improved the accuracy and timeliness of Criminal Justice Act (CJA) billing oversight at both the district and circuit levels. Observing that the failure to approve interim payments could dissuade attorneys from taking CJA cases due to the financial risk associated with beginning a potentially lengthy representation, and based on reports that interim payments have made CJA voucher review easier by rendering them closer in time to when services were provided, the Committee on Defender Services recommended that the Judicial Conference approve amendments to the *Guidelines* to encourage the greater and more consistent use of interim payments for panel attorneys and service providers in CJA representations. The Conference approved the Committee’s recommendation. Among other things, the amendments encourage courts to allow interim payments at regular intervals in any non-capital representation exceeding 90 days in duration or \$4,000 in accrued compensation and expense claims; eliminate the requirement that counsel’s expenses be “extraordinary and substantial” in order to qualify for interim reimbursement; provide that interim payments should be made available to counsel who are substituted by another CJA attorney in the same appointment; and eliminate references to withholding funds from approved interim payments.

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## **APPROVAL OF FEDERAL PUBLIC DEFENDER ORGANIZATION PERSONNEL**

On recommendation of the Committee on Defender Services, the Judicial Conference agreed to seek an amendment to the Criminal Justice Act, 18 U.S.C. § 3006A(g)(2)(A), to eliminate the requirements for the circuit to approve the number of assistant federal public defenders, and for the Director of the Administrative Office (AO) to approve the number of other personnel, in federal public defender organizations (FPDOs), as redundant of existing review and approval processes and, in the case of circuit approval, administratively burdensome. The Committee noted that the circuit approval requirement is duplicative of the empirically based staffing formulas that the Judicial Conference—which includes the chief judges of all the circuits—has since 2015 adopted to determine personnel requirements in FPDOs, and that its elimination would remove a needless administrative burden as well as harmonize the statutory language governing FPDOs with that governing community defender organizations and with staffing policies for other judiciary offices, which are not subject to a circuit approval requirement outside their organization. The Committee likewise noted that the requirement for AO Director approval is surplusage since there is no mechanism aside from implementation of the staffing formulas for AO approval of FPDO hiring.

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## COMMITTEE ACTIVITIES

The Committee on Defender Services reported that it continues to consider potential changes to the Defender Services program’s organizational structure to address the conflicts inherent in the current structure, where judges provide oversight and determine the resources available for only one side of the adversarial criminal justice system. At its June 2024 meeting, consistent with the recommendations from two ad hoc Judicial Conference committees in 1993 and 2017, the Committee endorsed, in concept, an independent federal public defense program within the judicial branch but outside of the governance of the Judicial Conference and the AO, and anticipates further discussing organizational structures at its December 2024 meeting. To ensure they reflect the broad outreach and inclusion goals central to the Defender Services Diversity Fellowship Program, the Committee revised the operational guidelines for the non-capital pilot component. The Committee also reviewed the Fellowship Program in light of the Supreme Court’s decision ending race-based college admissions in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 143 S. Ct. 2141 (2023), and continues to support the Fellowship Program (which is not an affirmative action program). Finally, the Committee received an update on the passage of legislation effectuating a 2022 Judicial Conference position (JCUS-SEP 2022, p. 12) by allowing the judiciary to make CJA payments directly to a panel attorney’s law firm or business entity, which will facilitate the transition from paper checks to electronic funds transfers and support the Committee’s goal to recruit and retain highly qualified CJA panel attorneys.

## COMMITTEE ON FEDERAL-STATE JURISDICTION

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### REMOVAL JURISDICTION

28 U.S.C. § 1447(e), regulating the joinder of additional parties after removal of a case to federal court, allows a court to deny or permit a plaintiff’s request to join additional defendants whose joinder would destroy subject matter jurisdiction, but does not explicitly address a situation in which a plaintiff, within the time period to amend as of right, files an amended complaint adding a diversity-spoiling party. Noting that the policy reasons that give rise to section 1447(e) support extending it to amendments made as a matter of right, though courts considering the issue have adopted differing approaches to reach that result, the Committee on Federal-State Jurisdiction recommended that the Judicial Conference seek legislation to amend 28 U.S.C. § 1447(e) to clarify that it applies to the joinder, whether made with or

without leave of court, of a party whose presence would destroy complete diversity. The Conference adopted the Committee's recommendation.

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## COMMITTEE ACTIVITIES

The Committee on Federal-State Jurisdiction reported that it continued its analysis of a report by the Administrative Conference of the United States examining the potential for a small claims patent court. The Committee discussed the limitations-savings provision of 28 U.S.C. § 1367 for state-law claims that have been dismissed from a federal lawsuit and may be re-filed in state court, and determined to table further discussion pending input from the National Center for State Courts and the Conference of Chief Justices. The Committee also received a report from its state chief justice members, focusing on potential reforms to legal education and bar admissions policies to help incentivize public interest lawyering. The Committee also discussed recent developments and pending legislation relating to immigration, administrative law, and reform of the Communications Decency Act of 1996, 47 U.S.C. § 230.

## COMMITTEE ON FINANCIAL DISCLOSURE

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### COMMITTEE ACTIVITIES

The Committee on Financial Disclosure reported that it was updated on the continuing development and implementation of the new electronic financial disclosure filing and release system, including planned expansions of the pilot that began in February 2024. The Committee approved an addition to the Filing Instructions for Judicial Officers and Employees (AO-10) (Filing Instructions) clarifying that, upon discovery of errors or omissions, filers must promptly amend reports filed in the past six years and may amend reports filed more than six years prior to the discovery. The Committee determined that amendment is required for gifts of transportation that were omitted or misreported in reports filed in 2023 onward (for filing years 2022 to the present), but that due to confusion arising from past guidance, amendment will not be required for gifts of transportation filed six years ago through 2022 (for filing years 2018 through 2021). The Committee approved revisions to the financial disclosure regulations and the Filing Instructions to clarify that corporate ownership of a personal residence does not preclude application of the personal hospitality gift reporting exemption, provided the gifts were extended for a non-business purpose, there are no indicia that the residence is commercial, and the residence is not regularly rented out

to others for a business purpose. The Committee approved various revisions to the financial disclosure regulations, Filing Instructions, and Periodic Transaction Report (AO-10T) Instructions to, among other things, reflect recent legislative history, promote consistency with Committee on Codes of Conduct regulations, and ensure completeness and accuracy of information. The Committee also discussed the ongoing review of public written allegations of errors or omissions received in 2023 and 2024 regarding a filer's financial disclosure reports, and a public written allegation of errors or omissions received in 2023 regarding another filer's financial disclosure reports.

As of June 22, 2024, the Committee had received 3,382 financial disclosure reports and certifications for calendar year 2023 (out of a total of 4,349 required to file), including 1,011 annual reports from Supreme Court justices and Article III judges; 233 annual reports from bankruptcy judges; 429 annual reports from magistrate judges; 1,498 annual reports from judicial employees; and 211 reports from nominee, initial, and final filers.

## COMMITTEE ON INFORMATION TECHNOLOGY

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### ***LONG RANGE PLAN FOR INFORMATION TECHNOLOGY IN THE FEDERAL JUDICIARY***

Pursuant to 28 U.S.C. § 612 and on recommendation of the Committee on Information Technology, the Judicial Conference approved the fiscal year 2025 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 discussed progress made thus far on implementing initiatives in the *Judiciary IT Modernization and Cybersecurity Strategy*. The Committee received an update on the relocation of the judiciary's internet data center. The Committee was briefed on several Administrative Office (AO)-led efforts related to artificial intelligence (AI), including the development of an inventory of use cases for how AI can be integrated into IT systems to streamline and improve judiciary operations, and the development of an AI governance framework and job aid to help advise judiciary leaders on AI-related



topics. In addition, the Committee discussed an upcoming AO effort to collect information from courts on the technology used in the judiciary's courtrooms. The information gathered will provide a better overall picture of the judiciary's courtroom technology and may impact future courtroom infrastructure and audiovisual design guidance and funding requests. Finally, the Committee approved a proposed Judiciary Information Technology Fund budget request for fiscal year 2026.

## **COMMITTEE ON INTERCIRCUIT ASSIGNMENTS**

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### **COMMITTEE ACTIVITIES**

The Committee on Intercircuit Assignments reported that 46 Article III judges undertook 72 intercircuit assignments from January 1, 2024, to June 30, 2024. 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 four proposed intercircuit assignments of bankruptcy judges and ten of magistrate judges.

## **COMMITTEE ON INTERNATIONAL JUDICIAL RELATIONS**

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### **COMMITTEE ACTIVITIES**

The Committee on International Judicial Relations reported on international rule of law work to which federal judges contributed since the Committee's last report to the Judicial Conference. The Committee considered reports addressing work by federal judges in rule of law programs from the Supreme Court of the United States; Administrative Office; Defender Services Committee; Federal Judicial Center; Federal Court Clerks Association; Congressional Office for International Leadership; U.S. Agency for International Development; U.S. Patent and Trademark Office; and U.S. Departments of Commerce, Justice, and State. The Committee received a briefing from retired Judge Thomas B. Griffith (D.C. Cir.) about his work as a member of the Government of Ukraine's Advisory Group of Experts, a judicial governance body charged with vetting Ukrainian candidates for judgeships on the Constitutional Court of Ukraine. The Committee also received a briefing from Assistant Federal Public Defender Paul Gill (E.D. Va.) about his work in Ghana from 2022-2023 for the U.S. Department of Justice to strengthen Ghana's criminal defense function.

## **COMMITTEE ON THE JUDICIAL BRANCH**

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### **COMMITTEE ACTIVITIES**

The Committee on the Judicial Branch reported that it discussed recent legislative items of interest to the judiciary, including those related to judgeships, ethics and transparency, and reform of the judiciary’s case management system. Senator Ben Cardin, who is retiring at the end of the current Congress, visited with the Committee. The Committee participated in a roundtable discussion about civics education activities across the judiciary. In addition, the Committee received a briefing on the judiciary’s case management modernization project.

## **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). The Committee approved updates to the publicly available online Digest of Authorities on the Act. The Committee and its staff have also continued to address inquiries regarding the Act and the Rules, and to give other assistance as needed to circuit judicial councils and chief judges.

## **COMMITTEE ON JUDICIAL RESOURCES**

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### **REIMBURSEMENT OF EXPENSES OF PART-TIME MAGISTRATE JUDGES**

The Committee on Judicial Resources, at the request of the Committee on the Administration of the Magistrate Judges System, recommended that the Judicial Conference approve conforming revisions to the *Guide to Judiciary Policy (Guide)*, Volume 12, Chapter 6, § 615.50.50, to reflect revisions approved by the Conference in March 2024 to the regulations governing the reimbursement of expenses of part-time magistrate judges, *Guide*, Volume 3, Chapter 13 (JCUS-MAR 2024, p. 21). Section 615.50.50 provides general information about the reimbursement of expenses and staffing allocation options available to part-time magistrate judges and refers

readers to the *Guide*, Volume 3, Chapter 13 for additional details. The Conference approved the Committee’s recommendation.

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### **TEMPORARY BANKRUPTCY LAW CLERK PROGRAM**

In September 2023, the Judicial Conference, on recommendation of the Committee on Judicial Resources, approved amendments to the *Guide*, Volume 12, Chapter 5, § 510 and Chapter 6, § 615.50 to incorporate information about the Temporary Bankruptcy Law Clerk Program, including guidelines approved for the program in 2020 by the Committee on the Administration of the Bankruptcy System (Bankruptcy Committee) (JCUS-SEP 2023, p. 18). At the request of the Bankruptcy Committee, the Committee on Judicial Resources recommended that the Judicial Conference approve revisions to the *Guide*, Volume 12, Chapter 6, § 615.50.60, to reflect an update made by the Bankruptcy Committee to the Temporary Bankruptcy Law Clerk Program Guidelines. The Conference approved the Committee’s recommendation.

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### **PRO SE AND DEATH PENALTY LAW CLERK STAFFING ALLOCATIONS**

The current pro se law clerk and death penalty law clerk staffing formulas were adopted by the Judicial Conference in September 2017 (JCUS-SEP 2017, p. 17). In response to a request from a number of chief district judges, the Committee on Judicial Resources recommended that the Judicial Conference hold in abeyance any terminations of pro se and death penalty law clerks due to reductions in case filings until new pro se and death penalty law clerk staffing formulas are implemented in fiscal year (FY) 2028, noting concerns raised by some courts about delays in the development of new staffing formulas and the adequacy of staffing credits provided under the current formulas. In light of current budget constraints, the Committee also recommended that the Conference place a moratorium on filling vacated pro se or death penalty law clerk positions in districts whose current staffing exceeds their allowance under the current pro se and death penalty law clerk staffing formulas until new formulas are implemented in FY 2028. The Conference approved the Committee’s recommendations.

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## **DISTRICT CLERKS' OFFICES STAFFING FORMULA**

On recommendation of the Committee on Judicial Resources, the Judicial Conference adopted a new district clerks' offices staffing formula to be applied starting in FY 2025, which provides 6,441.5 full-time equivalent (FTE) positions based on statistical year 2023 workload data. The new formula includes new or revised workload drivers for 18 U.S.C. § 3582(c) motions, number of courtrooms supported, IT support and security, divisional offices open to the public, and organizational support for unpaid volunteers. The new formula also retains one FTE constant per district to support judicial officers, one FTE constant per district to provide IT security support, and a variable factor per district to support Criminal Justice Act panel management.

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## **STAFF COURT INTERPRETER POSITIONS**

Using established criteria, the Committee on Judicial Resources recommended, and the Judicial Conference approved, one full-time Spanish staff court interpreter position for the Northern District of Texas, beginning in FY 2026.

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## **DEFENDER SERVICES DIVERSITY FELLOWSHIP PROGRAM**

In September 2020, the Judicial Conference approved two full-time equivalent attorney positions for the establishment of a Defender Services Capital Diversity Fellowship and 12 full-time equivalent attorney positions for the establishment of a pilot Defender Services Non-Capital Diversity Fellowship of up to four years, to be considered for inclusion in the judiciary's FY 2022 budget request (JCUS-SEP 2020, p. 32). The pilot was intended to permit an evaluation of its efficacy based on two full cycles of the two-year fellowship, and unless extended will conclude by August 2026. The Committee on Defender Services recommended that the Committee on Judicial Resources recommend that the Judicial Conference approve extending the pilot for an additional four years through 2030 to allow sufficient time to provide a full review of the initial four-year pilot without disruption to the program, noting the two-year advance planning that the budget process requires and the time needed to review and evaluate pilot program data. Pending the completion of work by a recently appointed Executive Committee working group (see *supra*, at p. 5), the Committee on Judicial Resources recommended that the Judicial Conference approve extending the pilot Defender Services Non-Capital Diversity Fellowship (12 full-time equivalent attorney

positions) for an additional year through FY 2027. The Conference adopted the Committee’s recommendation.

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## COMMITTEE ACTIVITIES

The Committee on Judicial Resources reported that, as part of the Strategic Budget Initiative to reexamine the need for additional chambers support for chief judges, the Committee considered alternative options but declined to recommend any change to current Conference policy. The Committee approved the allocation of court law clerk positions for FYs 2025 through 2026 under Track III of the court law clerk program established by the Judicial Conference in September 2021. The Committee also approved, on recommendation of its diversity subcommittee, a definition of the term “diversity” to (1) incorporate into programs within the Committee’s jurisdiction and (2) share for consideration and potential incorporation into any update of the *Strategic Plan for the Federal Judiciary* that may be submitted to the Judicial Conference for consideration at its September 2025 session. Additionally, the Committee submitted to the Committee on the Budget a proposed FY 2026 budget request for programs under the Committee’s jurisdiction that was equivalent to a 4.7 percent increase over the FY 2025 assumed obligations.

## COMMITTEE ON JUDICIAL SECURITY

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### COMMITTEE ACTIVITIES

The Committee on Judicial Security reported that it submitted to the Committee on the Budget a proposed fiscal year 2026 budget request that supports court security officer positions, Federal Protective Service (FPS) security services, security systems and equipment managed by the U.S. Marshals Service (USMS), and staff to support overall program administration at the USMS and the Administrative Office (AO). The Committee was updated on efforts to protect judges’ personally identifiable information (PII) through the judiciary’s PII Reduction and Redaction Program and on the need for state-level online privacy legislation. The Committee also reported that it met with USMS Director Ronald L. Davis and representatives from FPS and the General Services Administration to discuss security issues impacting the judiciary. During the discussion with Director Davis, the Committee reiterated its concern about the USMS’s administration of the Judicial Facility Security Program, including issues relating to its Office of Procurement’s handling of contracts, and emphasized the need for USMS to work with the AO to identify ways to address those

issues. The Committee also was updated on the Courthouse Hardening Program, including progress made on obligating and spending funding received to date for this program.

## **COMMITTEE ON THE ADMINISTRATION OF THE MAGISTRATE JUDGES SYSTEM**

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### **CHANGES IN MAGISTRATE JUDGE POSITIONS**

After considering the recommendation of the Committee on the Administration of the Magistrate Judges System and the views of the Administrative Office and the affected district court and circuit judicial council, the Judicial Conference agreed to authorize an additional full-time magistrate judge position in the Western District of Texas in San Antonio.

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### **COMMITTEE ACTIVITIES**

The Committee on the Administration of the Magistrate Judges System reported that it considered nine district-wide surveys of magistrate judge positions and, where appropriate, endorsed suggestions regarding magistrate judge utilization in those districts. Between its December 2023 and June 2024 meetings, the Committee, through its chair, approved filling 21 magistrate judge position vacancies in 18 district courts (JCUS-MAR 2024, pp. 19-20), and the Committee approved four requests for the recall of a retired magistrate judge in four districts. Two of these recalls required approval because the judge’s travel and subsistence costs were estimated to exceed \$10,000 and two required approval for staff costs. At its June 2024 meeting, the Committee also approved a request from one court to fill a magistrate judge position vacancy and requests from five courts for the recall, extension of recall, or extension of staff or clerk’s office support, for seven retired magistrate judges. The Committee continued to discuss and provide feedback on the development of a tool for evaluating magistrate judge utilization, and agreed to continue to experiment with the tool and discuss it further at its December 2024 meeting. The Committee received updates from its diversity subcommittee on the Committee’s partnership with the Committee on the Administration of the Bankruptcy System on the April 2023 “Roadways to the Bench” event and the FJC’s research on district courts’ efforts to address diversity in the magistrate judge selection process. Finally, the Committee discussed with the

chair of the Committee on Criminal Law that committee’s work on the pretrial risk assessment tool and reducing pretrial detention.

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

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### **FEDERAL RULES OF APPELLATE PROCEDURE**

The Committee on Rules of Practice and Procedure submitted to the Judicial Conference proposed amendments to Appellate Rules 6 (Appeal in a Bankruptcy Case) and 39 (Costs on Appeal), together with committee notes explaining their purpose and intent. The Judicial Conference approved the proposed amendments and authorized their transmittal 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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### **FEDERAL RULES OF BANKRUPTCY PROCEDURE**

The Committee on Rules of Practice and Procedure submitted to the Judicial Conference proposed amendments to Bankruptcy Rules 3002.1 (Notice Relating to Claims Secured by a Security Interest in the Debtor’s Principal Residence in a Chapter 13 Case) and 8006 (Certifying a Direct Appeal to a Court of Appeals), together with committee notes explaining their purpose and intent. The Judicial Conference approved the proposed amendments and authorized their transmittal 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.

The Conference also approved, on recommendation of the Committee: revised Official Form 410 (Proof of Claim), effective in all bankruptcy proceedings commenced after December 1, 2024, and, insofar as just and practicable, all proceedings pending on December 1, 2024; and revised Official Forms 410C13-M1 (Motion Under Rule 3002.1(f)(1) to Determine the Status of the Mortgage Claim), 410C13-M1R (Response to [Trustee’s/Debtor’s] Motion Under Rule 3002.1(f)(1) to Determine the Status of the Mortgage Claim), 410C13-N (Trustee’s Notice of Payments Made), 410C13-NR (Response to Trustee’s Notice of Payments Made), 410C13-M2 (Motion Under Rule 3002.1(g)(4) to Determine Final Cure and Payment of Mortgage Claim), and 410C13-M2R (Response to [Trustee’s/Debtor’s] Motion Under Rule 3002.1(g)(4) to Determine Final Cure and Payment of the Mortgage Claim), effective in all bankruptcy proceedings commenced

after December 1, 2025, and, insofar as just and practicable, all proceedings pending on December 1, 2025.

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## **FEDERAL RULES OF CIVIL PROCEDURE**

The Committee on Rules of Practice and Procedure submitted to the Judicial Conference proposed amendments to Civil Rules 16 (Pretrial Conferences; Scheduling; Management) and 26 (Duty to Disclose; General Provisions Governing Discovery), and proposed new Rule 16.1 (Multidistrict Litigation), together with committee notes explaining their purpose and intent. The Judicial Conference approved the proposed amendments and authorized their transmittal 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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## **REPORT ON ADEQUACY OF PRIVACY RULES**

The E-Government Act of 2002 (Pub. L. No. 107-347) directed that rules be promulgated under the Rules Enabling Act to protect privacy and security concerns relating to electronic filing of documents, and that every two years, the Judicial Conference submit to Congress a report on the adequacy of the privacy rules to protect privacy and security. On recommendation of the Committee on Rules of Practice and Procedure, the Judicial Conference approved the 2024 Report of the Judicial Conference of the United States on the Adequacy of Privacy Rules Prescribed Under the E-Government Act of 2002 for transmission to Congress.

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## **COMMITTEE ACTIVITIES**

The Committee on Rules of Practice and Procedure reported on the continued work among the Bankruptcy, Civil, and Criminal Rules Committees concerning attorney admission rules. The Committee also reported on coordinated work among the Appellate, Bankruptcy, Civil, and Criminal Rules Committees on electronic filing by self-represented (*pro se*) litigants and on the redaction of social security numbers. The Committee approved publication of proposed amendments to Appellate Rules and an Appellate Form, Bankruptcy Rules and a Bankruptcy Form, and an Evidence Rule. The proposed rule amendments published for public comment include amendments to Appellate Rule 29 concerning required disclosures and a possible motion requirement for amicus briefs, as well as amendments that would provide bankruptcy courts greater



flexibility to authorize remote testimony in contested matters and a proposal to amend Evidence Rule 801 that would make all prior inconsistent statements admissible for impeachment also admissible as substantive evidence, subject to Rule 403. The public comment period for the proposed amendments will be open from August 2024 to February 2025.

## COMMITTEE ON SPACE AND FACILITIES

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### ***COURTHOUSE PROJECT PRIORITIES***

The *Federal Judiciary Courthouse Project Priorities (CPP)* identifies the judiciary's priorities for new courthouse construction. Part I lists the projects for which the judiciary will request funding in its annual budget submission, while Part II consists of the judiciary's out-year courthouse construction priorities. The priority order of all projects on Part I is maintained until a project is fully funded, at which time the project is removed from the list. The priority order of projects on Part II is updated each year based on the project's urgency evaluation rating, which is developed as part of the judiciary's Asset Management Planning process (JCUS-MAR 2008, p. 26). On recommendation of the Committee on Space and Facilities, the Judicial Conference adopted a fiscal year (FY) 2026 *CPP*, which carried forward all the projects on Part I and Part II of the FY 2025 *CPP*, elevated the project in Anchorage, Alaska from Part II to Part I, and added two projects in Dallas, Texas and Sherman/Plano, Texas to Part II. The projects on the FY 2026 *CPP* were approved in the following priority order:

- a. Part I: (1) Hartford, Connecticut; (2) Chattanooga, Tennessee; (3) Bowling Green, Kentucky; and (4) Anchorage, Alaska; and
- b. Part II: (1) Macon, Georgia; (2) Dallas, Texas; (3) Sherman/Plano, Texas; (4) McAllen, Texas; (5) Greensboro/Winston Salem, North Carolina; (6) Rochester, New York; and (7) Norfolk, Virginia.

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### **FEASIBILITY STUDIES**

In accordance with the Asset Management Planning policy, courthouse construction projects must have a completed General Services Administration (GSA) feasibility study prior to being placed on the *CPP* (JCUS-MAR 2008, pp. 26-27; *Guide to Judiciary Policy*, Volume 16, Chapter 1, § 130.10(c)). After considering the

space, security, and building needs at the courthouses in Memphis, Tennessee and East St. Louis, Illinois, the Committee on Space and Facilities recommended that the Judicial Conference request that the GSA conduct Phase I feasibility studies for those courthouses. The Judicial Conference approved the recommendation.

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## **SPACE PLANNING POLICY FOR ACQUIRING LEASED SPACE**

In furtherance of a judiciary-wide Strategic Budget Initiative to identify ways to help limit the growth of the judiciary’s budget, the Committee on Space and Facilities recommended that the Judicial Conference approve a policy requiring judiciary offices, prior to executing any lease agreement for commercial space, to verify that no existing federally owned courthouse space in that location is available that can accommodate the space requirements. The Committee observed that such a policy would help add a further level of assurance that judiciary entities are evaluating opportunities to consolidate and optimize judiciary space in federal courthouse facilities before acquiring commercial space and would be consistent with requirements applicable to the GSA under 41 C.F.R. § 102-83.95.

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## **CLOSURE OF NON-RESIDENT FACILITIES**

The Judicial Conference considers recommendations for closure of nonresident court facilities based on criteria established in 2006 (JCUS-MAR 2006, p. 28), and upon the recommendation of the appropriate circuit judicial council (28 U.S.C. § 462(b) and (f)). After receiving notice that the Ninth Circuit Judicial Council had approved ceasing bankruptcy court operations in the non-resident bankruptcy courthouse in Modesto, California, the Committee recommended, and the Conference approved, the closure of that facility.

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## **COMMITTEE ACTIVITIES**

The Committee on Space and Facilities reported that it approved, subject to funding availability, 12 requests for Component B funding pursuant to the Judicial Conference-approved rent allotment methodology (JCUS-SEP 2007, pp. 36-37), and five requests for funding for No Net New projects in support of the Judicial Conference’s No Net New policy adopted in September 2013 (JCUS-SEP 2013, p. 32). Additionally, as part of the judiciary’s Strategic Budget Initiative, the Committee discussed its analyses to date of the eight initiatives assigned to the

Committee and additional areas that could be explored before the Committee develops its final recommendations to the Budget Committee at its December 2024 meeting. Finally, the Committee met with the GSA Public Buildings Service Commissioner, who briefed the Committee on significant matters impacting the judiciary, including GSA's FY 2025 and FY 2026 budget requests and the seismic study for the Federico Degetau Federal Building in Hato Rey, Puerto Rico.

## **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