

ANNUAL REPORT 96

United States District Court

Office of the Clerk

Frances Ríos de Morán, Esq., Clerk of Court



A MESSAGE FROM THE CLERK

I am pleased to submit a summary of our accomplishments for fiscal year 1996.

More than anything else, 1996 represented a year of profound and exciting change for all of us. Early on, questions about completion of projected plans were raised by the budget for fiscal year 1996, which represented a \$94,843.00 reduction from the fiscal year 1995 budget. In addition, during this period, we served 12 Judicial Officers at an 84 percent staffing level that was funded at only 99.6 percent, due to the loss of 0.4 staffing credits during fiscal year 1995. A major challenge for our office, I assumed responsibility to complete previous projects and continue operations with an increased workload successfully. Since then, pending projects have been completed and many new ones have come through as well, a reflection of our confidence and ability as a team dedicated to performance on behalf of our Judicial Officers, our employees, the bar, and the public.

This same year Congress enacted legislation increasing the responsibilities of Clerks of Court in various areas. With the closing of the National Fine Center, responsibility for the collection, deposit and transfer of all fines from minor violations to the Treasury was imposed on the Clerks of Court. Clerks of Court are now also responsible for the collection, deposit and payment of restitutions, and the closing and transfer of balances in bankruptcy cases. Finally, the Prisoner Litigation Reform Act of 1996 has imposed new financial management operations procedures to handle requirements concerning filing fees to be charged for prisoner petitions, among others. Thus, although between fiscal years 1995 and 1996 our operations workload remained basically the same, the administrative burden increased significantly.

My sincere appreciation to Chief Judge Cerezo and all Judges, as well as Magistrate Judges, for their constant support and encouragement. Congratulations to all my managers and staff for a job well done. Their unyielding commitment to our goals of excellence has been instrumental in upholding the high standards of the Federal Court in Puerto Rico. We look forward to fiscal year 1997 with pride and enthusiasm.

A handwritten signature in cursive script, appearing to read "Frances Ríos de Morán".

Frances Ríos de Morán, Esq.
Clerk of Court
October 25, 1996

INDEX

Civil Justice Reform Act	1
Criminal Justice Act	1
Finance and Administration	3
Operations	5
Personnel	7
Space and Facilities	8
Systems Department	9

CIVIL JUSTICE REFORM ACT

Implementation of our district's Civil Justice Reform Act (CJRA) Expense and Delay Reduction Plan (the "Plan"), which had reached a standstill prior to 1994, has been a top Court priority as it not only constitutes a Congressional directive but directly affects both operations and case management. A new CJRA Staff Attorney has since been hired and our Plan amended. As part of the Plan's implementation, a training seminar in Mediation (1995) and a Differentiated Case Management (DCM) Workshop (1996), focusing on ways to manage civil cases in a more efficient and expeditious manner, were organized for all judicial officers and their staff. The DCM Workshop integrated, for the first time ever, the Clerk's Office operations and systems staff and judicial officers and their staff, netting overall positive results in terms of developing insights and integrating experiences in the quest for cultivating new operating procedures for key aspects of the Plan's implementation.

CRIMINAL JUSTICE ACT

A newly amended Criminal Justice Act Plan (the CJA Plan) was prepared by the CJA Committee chaired by Chief Judge Cerezo. Approved by the Judicial Council of the First Circuit, the CJA Plan was fully implemented during FY96.

The CJA Committee had reviewed the existing plan and incorporated numerous changes, many of which required Clerk's Office involvement, such as: the random selection of panel attorneys through the CJA Automated Attorney Assignment System; the Mentoring Program for attorneys

that do not meet the experience requirement to be a CJA Panel member; and a Continuing Legal Education (CLE) requirement for all CJA Panel attorneys:

The CJA committee received and reviewed all applications for the new CJA Panel which was approved by the Court and began service on September 1996. Most significantly, the amended CJA Plan called for the creation of a Mentoring Program in order to provide inexperienced attorneys the opportunity to assist CJA Panel members in order to acquire the necessary experience to become CJA Panel members. This program was successfully organized by the Committee and the first group of attorneys began attending Court proceedings in September 1996.

The new CJA Plan levied additional administrative burdens on the Clerk's Office, as it entailed close monitoring and reporting of newly created programs and their progress, including implementation of the attorney random selection program and CLE certification. Periodic reports on all areas will be forthcoming during the first quarter of FY97.

FINANCE AND ADMINISTRATION

Financial planning and operations integrate all components within any organization in the effective decision-making process. While planning in individual areas is also important, the financial analysis of our continued efforts and long-range plans is critical in both examining important issues which may not have been initially addressed and in developing an integrated strategic approach towards completion of our goals. Aggressive planning and analysis has enabled us to manage our scarce salary basket resources and to offer an across-the-board bonus to Clerk's Office employees and the Judicial Officers' secretaries.

The Finance Department has also completed physical inventory of all property within the Clerk's Office, Courtrooms, Judges Chambers and Chase building Senior Judges' office space. This will enable us to make better decision in terms of property acquisition and represents potential savings to our total budget. Another important achievement was the negotiation with the Administrative Office for the removal of the DVC telephone system and installation of a Northern Telecom Meridian System. With the approval of the Meridian system, we have uprooted the major inconvenience which the deficiencies of the DVC system posed in terms of communications and the ability of the public to gain quick access to Court personnel.

Savings to the Court, in view of the important reduction to FY96 budget as compared to previous years, has also been a key goal which the Finance Department has met heads-on. The Non-Appropriated Funds Account has been analyzed and after studying the seasonal nature of the bulk of the account's expenditures, we recommended that a large portion of its balance be

invested, thereby improving the interest earned. We have renegotiated various contracts which have yielded substantial savings to the Court, such as: the contract for cleaning of jury rooms, for a savings of \$718.32; lease/purchase contracts with Xerox for copying machines, for a savings of \$8,480.88; cellular telephones contract with Cellular One, for a savings of \$550.00. Other cost-effective measures included: the implementation of bulk purchase of paper with Bankruptcy, for a savings of \$600.00; a change in case folder supplier, for a savings of \$2,400.00; targeting of Zee Medical account to lower expenses charged, for a savings of \$157.99; and, taking advantage of donated property from other court units, such a copying cartridges and a table, for a savings of \$1,803.20. The grand total for all cost-saving measures added up to \$12,334.39, thereby enabling us to hire a person at a JS-1 level despite the budget reduction.

We identified three items in the Administrative Office staffing formula which we had been under reporting, adding, approximately, a 0.75 staffing credit to our staff, representing an additional \$27,655.00 to our salary account.

The operational aspects have also been targeted in an effort to increase effectiveness. Beginning with the complete review of all registry accounts, we were able to identify balances belonging to cases more than five years old with final dispositions and transferred them to Treasury accounts as unclaimed funds. A fixed schedule for issuance of checks was adopted, with the other Court units' assent, thus reducing lag time between voucher submission and checks issuance, which improved the predictability of payments. Our previous lag time between

submission of voucher and check issuance was five days. At present, we issue the check within 24 hours of receiving the voucher. Also, we established a joint system with the Probation and U.S. Attorney's Office for the collection and payment of restitutions.

In the area of purchases, we have been able to fulfil all Judicial Officers' requests for chambers, office and courtroom equipment, supplies, and furnishings, equipping each courtroom with a TV and a VCR. The future Training Room facilities are also fully equipped, and prints and plants were acquired to enhance the Clerk's Office working environment.

OPERATIONS

Presently, seven Docket Clerks have been ably handling and processing the workload of the twelve judicial officers in our district, while both Docket Clerks and Courtroom Deputies have been faced with expanded workloads due to an increase in the filing of multi-defendant criminal cases. As opposed to other districts, Puerto Rico may well be considered as one of the highest in multi-defendant criminal cases including sometimes up to over 60 defendants in one single criminal action. The amount of paper work each such case generates is, at times, overwhelming, not to mention the time our deputies must dedicate to the docket entries in order to ensure correctness of Speedy Trial computations. In addition, the Clerk's Office receives a considerable amount of sealed cases and documents which are handled in an expeditious manner while safeguarding the confidentiality of the information.

The reorganization and implementation of the "team" concept within our Docket/Courtroom Deputy Sections has resulted in a more integrated direction of our common efforts. As a result, we have been able to cope with the daily workload more effectively. Docket Clerks have been attending courtroom proceedings with Courtroom Deputies so that they may acquire the knowledge and be trained in that field, thus fulfilling our goal to cross-train all personnel in light of the budget limitations.

Within our Intake/File and Reproduction Area, our deputies have also been successful in dealing with the general public and bar, as well as learning each other's jobs. The two deputies who are assigned to our Counter have become experts in dealing with the bail/bond procedure, scrutinizing property deeds and ensuring that all documents are in order before they are submitted for approval. One of our intake deputies has also been cross-trained in the handling our Minor Violations. This has resulted in alleviating the workload of an Interpreter and our Magistrate Courtroom Deputies, previously assigned with this collateral duty.

The figures below represent a comparison of the number of filings for fiscal years 1995 and 1996:

FILINGS	1996	1995
CRIMINAL	991	991
CIVIL	1643	1751
APPEALS	320	234
TOTAL	2954	2976

PERSONNEL

The greatest challenge within the Personnel Area was the implementation of the new decentralized Court Personnel System (CPS) and the Cost Control Monitoring System (CCMS). This new system and the changes it brings about will be a crucial part of the successful changes in the evaluation and reward of eligible Court employees. Implementation of CPS was successfully completed without reference to internal budget or personnel projections. Employees were provided with an overview of the major CPS components through an Administrative Office Human Resource Division CPS Employee Video and were also individually oriented with regards to their job classification and evaluation.

All employees are important and must be provided with training opportunities. Identifying training needs in terms of objectives has been a key factor in coordinating obtention and attendance to workshops such as Differentiated Case Management, and "Maintaining Your Competitive Edge" directed to Judicial Officers' secretaries. In addition, other informational trainings have also been held, such as Equal Employment Opportunity. The Clerk's Office Newsletter "Just 'Cause," as well as the "Midday Talk Program," covering topics such as Environmental Justice, Domestic Violence, Retirement, CPR/Choking Techniques, Mediation, and Nutrition, have served as important tools of employee orientation and motivation as well. Efforts to identify and prioritize areas of potential training will continue to be a key area within the Clerk's Office.

Management assumed a leadership role in terms of employee motivation. A Service Award Ceremony was held on August 19, 1996, where the whole Court family convened and most employees were recognized with an appropriate pin commensurate to their years of service.

SPACE AND FACILITIES

An integral step in the development and achievement of a strategic plan within the Court is the analysis of environmental factors that influence objectives and accomplishments. We have placed particular emphasis in improving and maintaining the Court's space and facilities within our organizational strategy to maintain high achievement and work quality.

No matter how skilled or motivated employees are, if they are not provided with the correct materials and equipment or if there are flaws in the office layout, productivity and quality will suffer. The courtroom deputies' and docket clerks' areas have been reorganized maximizing both space utilization and productivity. The Intake Counter public area has also been upgraded in an effort to improve the Court's structure and values to support the delivery of service. The Clerk's Office space was significantly altered to provide for the design and construction of office areas for the CJRA Staff Attorney, the Operations Manager, the Pro Se Law Clerk, and the Personnel Specialist. The Records and Reproduction Area and the Computer Room have been expanded and the remodeling of the Grand Jury Room has been completed.

Monies have already been earmarked to improve the Jury Administration area and to build a training room facility. Finally, Chief Judge Cerezo's courtroom benches, as well as the benches within the Clerk's Office, have been restored. The restoration of Judge Pérez-Giménez' courtroom benches is already under way.

SYSTEMS DEPARTMENT

Automation continues to be a growing area in the District of Puerto Rico. Our Local Area Network, Court Applications and portion of the Federal Judiciary's Data Communication Networks (DCN) are just some of the automated systems which we are using more and more each day.

Even though in recent years there has been an increase in the workload and information management requirements, there has not been a proportionate increase in the formula to allocate human resources to perform these added or expanded tasks. Nevertheless, we have been able to cope with this situation by the commitment and dedication of the Systems Department staff, and by providing them with tools which increase productivity and efficiency. These tools consist of additional or enhanced automated systems.

We live in an age where the state-of-the-art information management technology changes day by day. In order to maximize the utilization of our automation resources, these must be closely managed. Our operational requirements, the volume of information we process, and the complexity of our existing Networks demand that the systems be continually monitored and optimized and that problems be aggressively diagnosed, troubleshot and corrected. As users continue to make use of our additional systems and/or software capabilities, extra support must be provided. Successfully performing these tasks and the day to day operations of automation services for our Judges, the bar, the general public and a total of more than 160 local users, has been our main accomplishment.

Some of the specific areas of accomplishments which have provided us this past year with added or enhanced automation capabilities are:

Equipment Upgrade: Judges Secretaries PCs to Pentiums; Courtroom PCs to Pentiums; PCs in Finance section to Pentiums; PCs in Jury section to Pentiums; Existing 286s to

Pentiums; Printers in Clerk's Office; Printers in Chambers. Equipment has been distributed as follows (see also, attached pie charts):

EQUIPMENT	FY95	FY96
286	13.6 %	0.0 %
386	49.2 %	43.7 %
486	20.3 %	19.3 %
586	16.9 %	37.0 %

Equipment Acquisition and Installation: Printers in Courtrooms; PCs for Interpreters; additional PCs in Intake, File, Supply areas; additional printers/printer servers throughout Clerk's Office; Notebook PCs as requested by Judicial Officers.

Data Communications Network (DCN): Services available to all Clerk's Office/Chamber Staff in Main Bldg./Courthouse; CCMail (E-mail Software) capabilities with any Federal Judiciary Office currently on the DCN; Lotus Organizer (Calendaring and Agenda Software); computer-aided legal research (CALR), such as Westlaw and Lexis/Nexis, can be accessed through DCN, reducing need for dedicated modems; E-mail access through Internet; existing dedicated line for CALR upgraded from 9.6K to 56K increasing the number of users in simultaneous access; access of ICMS through DCN; CHASER Access

through DCN - allows Judges/Magistrates and Staff to access/print reports in Chambers; the Pretrial Services LAN was brought up to DCN Standards and attached to the DCN.

Upgrade to Major Software Systems and Development of Local Databases: Major upgrades to ICMS; CFS upgrade; CHASER/PACER upgrade; development and maintenance of Appeals Tracking Database for Appeals Clerk; development and maintenance of Records Center Document Tracking Database for File Clerks; development and maintenance of Cases In/Out of Chambers Tracking Database for Judges' secretaries.

Computer-based Training: Computer-based training is self-paced and tailored to the individual learner. Employees can choose to view a training module when they feel the need for it in solving a current job problem. As more and more employees work on computers on a daily basis, days-long off-the-job training programs may be replaced by a large menu of short, on-demand tutorials to help employees solve current problems or refresh skills needed. To meet these concerns, the Systems Department coordinated the following: one-on-one training provided to Judicial Officers scheduled to attend Judge's Automation Training; Inter-Agency Multimedia Training Center - two PCs with several Multimedia Training Titles are available. The Automation Staff also participated in Technical Training (Unix, ICMS, Communications, etc.).

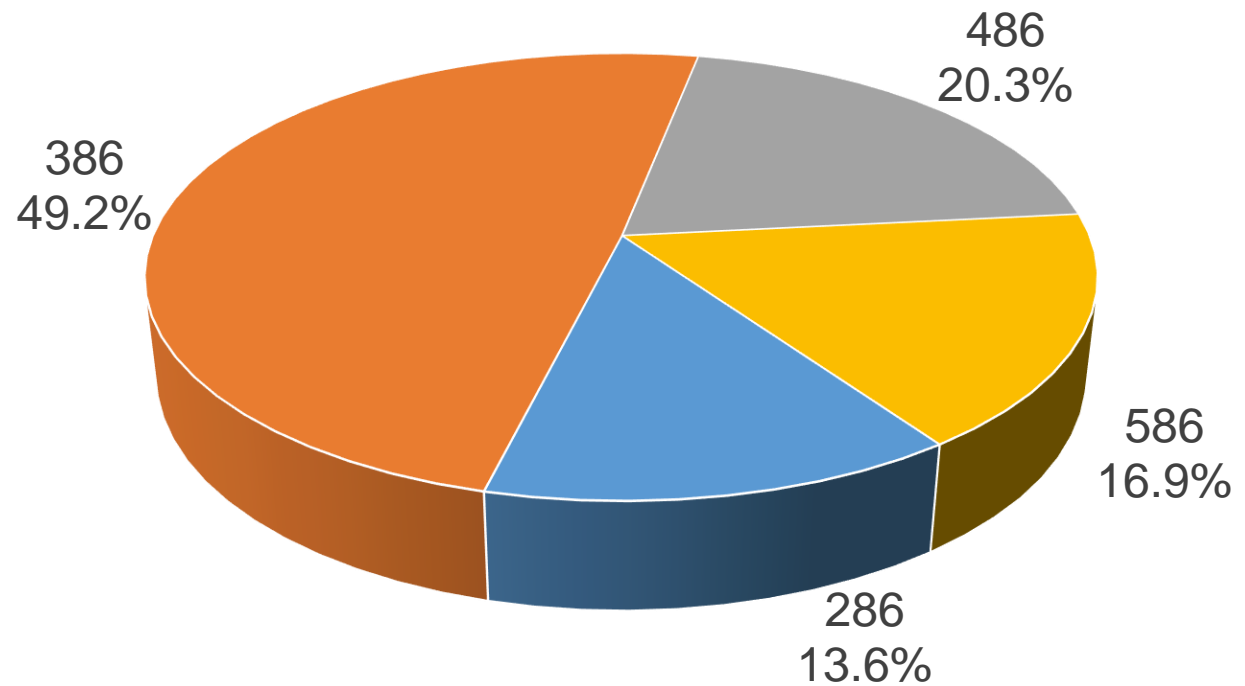
Computer Room Space: The Computer Room was expanded to house the DCN Hardware facilities and provide additional office space.

Automation Support provided to Other Court Components: User Support, LAN Administration/Support, etc., to Probation Office, and Pretrial Services Office.

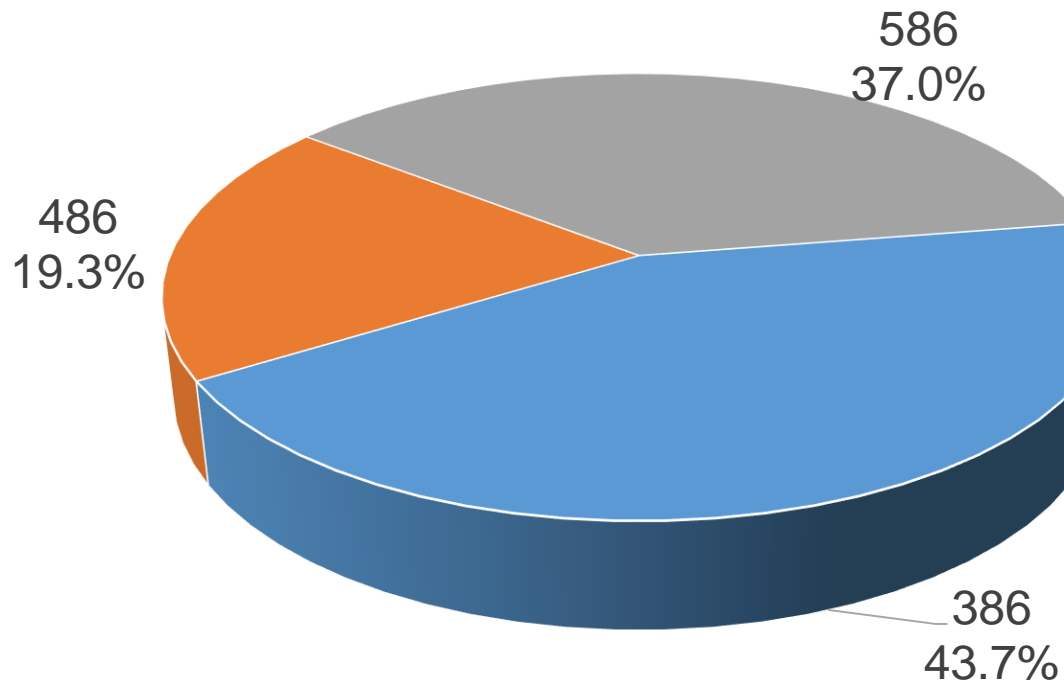
Our major automation objectives for FY97 include: upgrading remaining 386 PCs to pentiums; bringing all PCs to Windows capability standards; implementing an Electronic Courtroom Calendar Display System; upgrading DCN/LAN servers; providing remote DCN access for the Senior Judges and their staff at their Chase Building chambers; upgrading the Unix system to Solaris; upgrading the main Unix computer; and, upgrading the PACER computer.

Enclosures: Systems Charts

PC Distribution for FY-95



PC Distribution for FY-96



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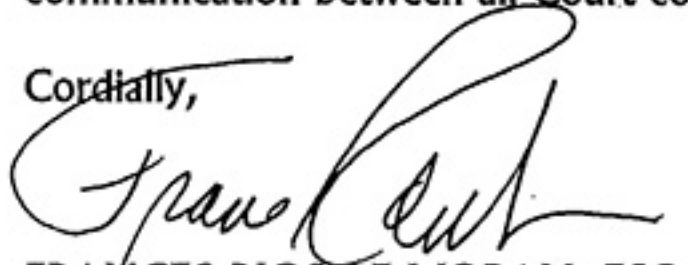
Honorable Carmen Consuelo Cerezo
Chief U.S. District Judge
United States District Court
for the District of Puerto Rico
Clemente Ruíz Nazario Courthouse
Hato Rey, Puerto Rico 00918-1764

Dear Judge Cerezo:

I am pleased to submit a Clerk's Office Annual Report, summarizing our accomplishments during fiscal year 1996. We have worked throughout the year focusing on long-term strategic planning to determine how we must work for the Court today to respond to the issues of the future.

I am committed to direct my efforts towards key development initiatives, to analyze and further develop the Court's capabilities, nurturing existing and developing new channels of communication between all Court components.

Cordially,


FRANCIS RIOS DE MORAN, ESQ
CLERK OF COURT

enclosure