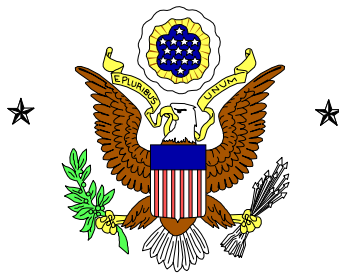


LONG RANGE PLAN



**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

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LONG RANGE PLAN

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA



In the spring of 1999, Chief Judge Frederick P. Stamp, Jr. appointed a Long Range Planning Committee for the United States District Court for the Northern District of West Virginia. The Committee consists of District Judges Irene M. Keeley, W. Craig Broadwater, Robert E. Maxwell, Clerk of Court Wally Edgell, Chief Deputy Clerk of Court Ted Philyaw and Chief Judge Stamp.

Planning is important for any organization, including court systems. In fact, long range planning is a Judicial Conference policy. The judges in the Northern District believe that long range planning is important for this District and that the District is small enough that its members are in an excellent position to achieve the goals and objectives which are established through a comprehensive planning process. Courts are required to respond to the same types of change as other organizations and it is imperative that courts look to the future given the pace at which societal change is taking place in the new millennium.

The Long Range Planning Committee (“Committee”) held seven meetings beginning on April 12, 1999. At these meetings, the Committee invited various constituents of the Court to meet with the Committee to discuss long range planning with the Committee, and to make suggestions and recommendations. Those invited to participate in the development of the long range plan for the United States District Court for Northern District of West Virginia were United States Attorney Melvin W. Kahle, Jr., and Assistant United States Attorneys David E. Godwin and Samuel G. Nazzaro, Jr.; United States Marshal L. Joseph Trupo and Chief Deputy United States Marshal Michael Claxton; Bankruptcy Judge L. Edward Friend, II; Magistrate Judges David L. Core, James

E. Seibert and John S. Kaull; Chief United States Probation Officer Jeff R. Givens and Deputy Chief United States Probation Officer Terry L. Huffman. The Committee also prepared and mailed questionnaires requesting the views of members of the bar who practice within the District as well as all court personnel from the District and Bankruptcy Clerk's Office, the United States Probation Office, Court Security Officers and employees of the United States Attorney and United States Marshals Service within the District. Professor Thomas O. Patrick of the College of Law, West Virginia University, attended a meeting of the Committee to discuss the Court's "Settlement Week" alternative dispute resolution program. Finally, William M. Lucianovic, Chief of the Long Range Planning Office of the Administrative Office of the United States Courts, attended the Committee's first meeting and provided valuable assistance to the Committee as it commenced the long range planning project. The Committee expresses its appreciation to all of the above individuals who provided such important contributions to the work of the Committee.

At its initial meeting, the Committee discussed the scope and the framework of the long range plan. The Committee decided that the long range plan would look five years into the future with the exception of a plan for automation which would be a three-year plan.

The Committee reviewed the pressures which might impact all courts in the future which pressures include the following:

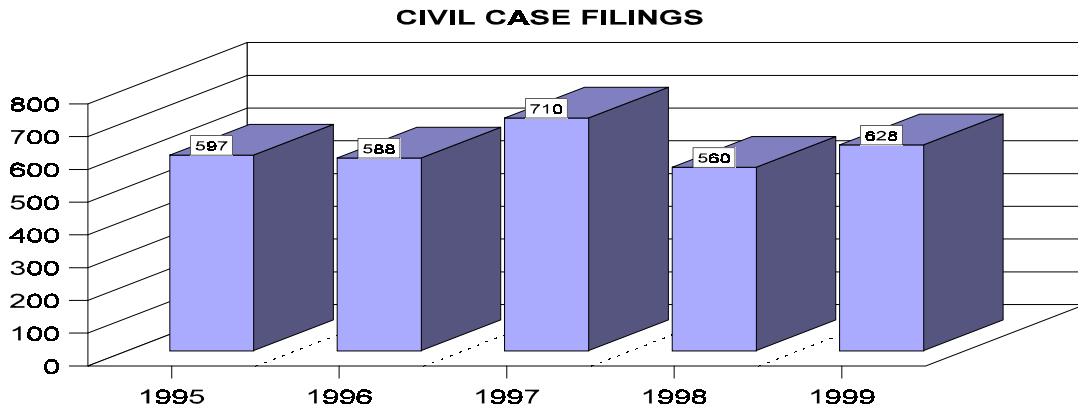
- the demand that courts resolve problems and not just decide cases;
- the increasingly complex nature of the law and legal disputes;
- the heightened demands and expectations on the part of court users and the public for "user-oriented" and "community-oriented" courts;
- the dramatic impact of technological advances on the exchange of information and communication;

- the increase in the need for alternative forms for the resolution of disputes;
- the unprecedented scrutiny of judicial system performance by funding bodies, the news media, and the public;
- the diminished public trust and confidence in all government institutions, including the judicial system; and
- the tension to accommodate change while retaining the traditional purposes, responsibilities, and values of the court system.

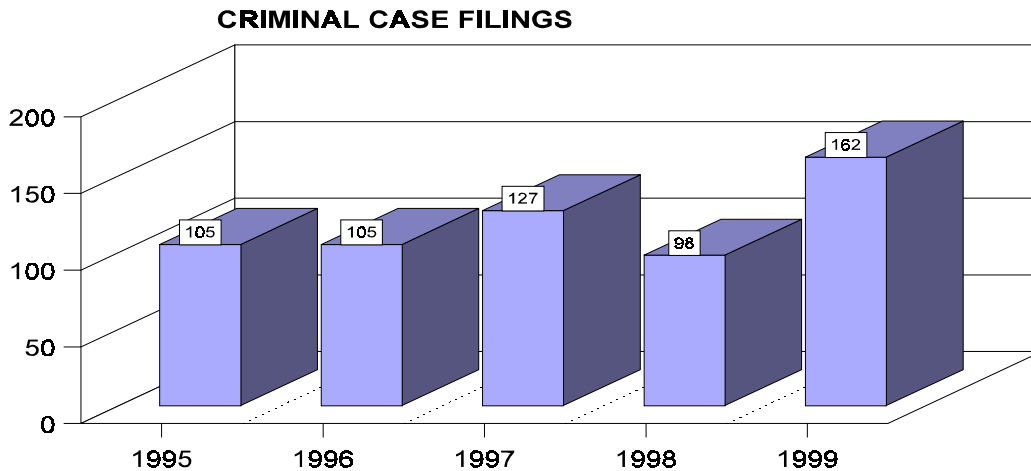
In addition to these general issues facing the courts in the United States, the United States District Court for the Northern District of West Virginia reviewed various local issues which need to be addressed during any planning process. First, West Virginia's population has been stable since the drop in population encountered in the 1980s. However, there is a significant growth in population in the counties comprising the Martinsburg point of holding court. The population projections for 2000 show a growth in these counties from 123,805 residents in 1990 to 147,025 residents in 2000, with the majority of the increase taking place in Berkeley County.

Second, West Virginia is rapidly moving to a system of regional jails. This will increase the transportation costs for bringing defendants to court and this extended travel will increase safety concerns.

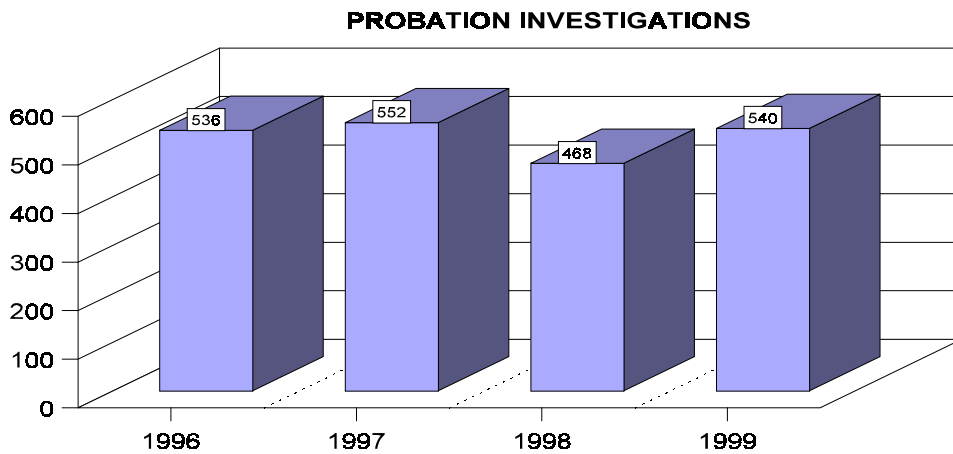
Third, caseload trends impact any judicial planning process. From 1986 through 1999, the civil case filings in the Northern District have fluctuated, but have remained overall relatively stable. For example, 699 civil cases were filed in 1986 and 628 cases were filed in 1999. In the past five years, 1995 to 1999, this pattern has continued except for 1997 when 710 civil cases were filed.



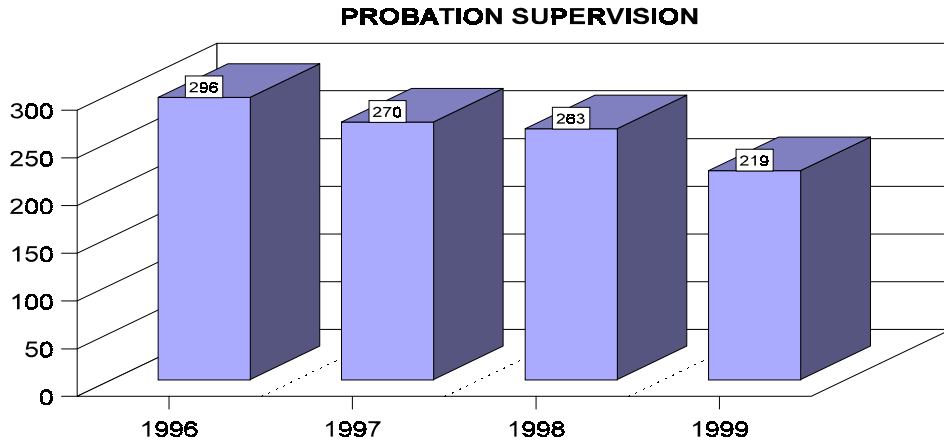
This stability is not evident in the criminal case filings. In 1986, 106 criminal cases were commenced in the Northern District. There was a steady increase in criminal filings from 106 in 1986 to a high of 239 cases in 1990, and a steady decrease in filings through 1999 when 162 cases were filed with the Court. A review of the past five years indicates that criminal filings have remained relatively stable with somewhat of an upward trend in 1999.



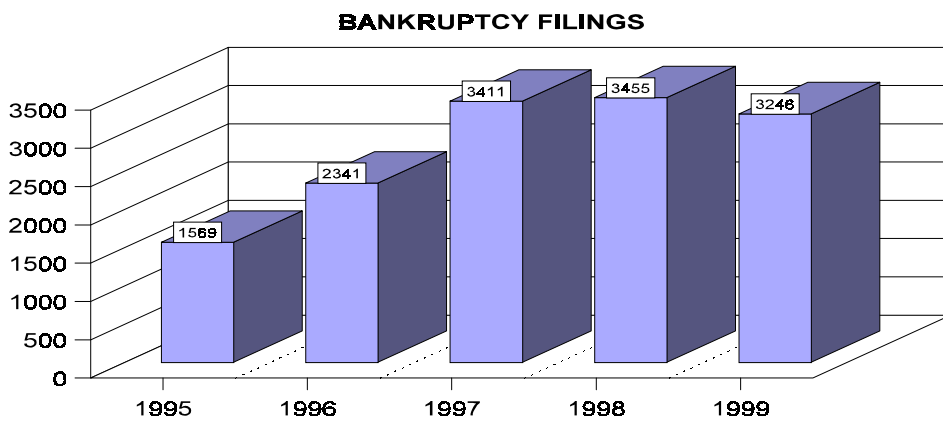
This fluctuation in criminal filings has made planning for probation services difficult. The workload of the probation office is directly related to criminal filings and the changes in criminal filings has made it difficult to plan for an appropriate number of probation officers and support personnel. The number of investigations for the period 1996 through 1999 has remained stable and generally tracks the changes in criminal filings reflected in the chart below.



In addition to the number of investigations completed, another important measure of the workload of probation is the supervision caseload. Again, the number of probationers supervised for the period 1996 through 1999 reflects very little change except for 1999 when the numbers dropped by approximately 20 percent.



The Bankruptcy Court in this District has experienced a substantial increase in filings during the 1990s. Unlike the District Court, which experienced a relatively stable caseload, the Bankruptcy Court has seen its filings increase dramatically since 1986. In 1986, 788 bankruptcy petitions were filed and in 1999, 3246 petitions were filed. As depicted in the chart below, the caseload more than doubled from 1995 to 1997 and in 1998, the 3455 cases filed were a record for the Northern District of West Virginia.



Case filings are among the most important factors in determining the workload for any court. Due to their impact on staffing levels and resource allocations from the Administrative Office of the United States Courts, caseload trends must be factored into any of the Court's long range plans.

Fourth, the increased use of technology both in the court system and the private sector will play a major role in how the courts are structured and staffed in the twenty-first century. In the near future, we will all experience the "electronic courthouse": cases will be filed electronically, hearings will be conducted via videoconferencing, evidence will be presented digitally, court transcripts will be prepared using "realtime" reporting methods and advanced visualization techniques will be used to reconstruct crime scenes. Ever advancing technology will require the court system to periodically reexamine the skills needed to view problem solving in new ways. Technology is likely to evolve into a larger role in mediation, greater accountability in the judiciary, and additional emphasis on docket management.

Fifth, a trend that is of particular importance in West Virginia is its aging population. The 65 and older age group is the fastest growing in the nation. In West Virginia, by the year 2020, roughly 18 percent of our population will be 65 years old or older or three percent above the national rate of 15 percent.¹

Finally, other trends that are of concern to courts in West Virginia are as follows:

- An increased number of single-parent households: Over the past 25 years, West Virginia has experienced a decline in marriage, an increase in out-of-wedlock births from eight percent in 1980 to 30 percent in 1993, and has experienced an increase in births to unmarried teenagers of 75 percent from 1980 to 1990.

¹ Taken from presentation by Dr. Ron Althouse delivered to the Futures Commission of the West Virginia Supreme Court in October 1997.

- A changing workforce: West Virginia is moving from an industrial-based labor force to a service-based economy. In 1991, companies in the United States expended more money in computing and communications than the combined money spent on industries such as mining, farming, and construction equipment. This is apparent in West Virginia with the rapid growth in telemarketing and “back office” jobs.
- A changing population and workforce’s effect on caseload: The change in the makeup of the population and industry will impact courts as they deal with cases involving copyright issues, electronic harassment, pornography and censorship, telemarketing, and consumer fraud.
- The impact of the environment on caseload: Environmental issues will have a significant impact on the judicial system in West Virginia in the coming years as is already evident with the recent issues of mountain top removal, the construction of Corridor H, and solid waste and hazardous waste regulations.
- The impact of two new federal prisons: One prison will be built in Preston County and one prison will be built in Gilmer County, increasing the prison population in the Northern District of West Virginia by approximately 2,500.

As all of these trends impact the judiciary, it is imperative that courts adapt to these factors while continuing to provide a forum for the resolution of disputes. To achieve this end, trial courts should do the following:

- Be open and accessible,
- Handle all cases in a timely and expeditious manner,
- Provide due process and equal protection of the law to all who appear before the court, as guaranteed by the federal and state constitutions,
- Assert and maintain its distinctiveness as a separate branch of government, and
- Act in a manner to assure public trust and confidence in the courts.²

² Taken from Trial Court Performance Standard prepared by the Commission on Trial Court Performance Standards, a joint project of the National Center for State Courts and the Bureau of Justice Assistance, United States Department of Justice.

Accepting these principles, the next step in the planning process for the Committee was to address three fundamental questions:

1. Where are we now?
2. Where do we want to be?
3. How do we get there?

In order to address these questions, the Committee has reviewed the District's current business procedures and has developed information about likely trends and other conditions that will affect the Court.

A second effort was developed to identify long-term improvements or goals to address the planning issues selected by the Committee.

Finally, the Committee developed strategies and steps necessary to achieve the goals established during the planning process.

At its initial meeting, the Committee developed a list of planning issues. These issues were then grouped into four categories and subcategories which formed the framework for the tasks of the Committee. The categories and subcategories are as follows:

I. Public and Court Education

- Public education
- Media relations
- Bar education
- Court operations
- Court personnel training and education
- Automation training
- Staff expectations and performance review
- Public school and other public education programs
- Law Day events at each point of holding court

II. Automation

- Develop a planning process for automation
- Establish an automation budget, provide for cooperation of court units and implement purchasing decisions
- Adhere to Administrative Office priorities
- Incorporate local alternatives
- Continue to improve upon the work of the Court's Automation Committee
- Locate and implement new software applications
- Maximize the use of video conferencing within the District
- Increase and vary automation training

III. Judicial Resources and Functions

- Unify certain practices by the judiciary
- Update and improve jury management
- Update local rules and develop standing orders for operation of District Court
- Improve case management
- Evaluate and update alternative dispute resolution/mediation
- Research current tendency toward federalization of state crimes and its affect on the Northern District
- Maximize the utilization of Magistrate Judges
- Review of budget
- Participation in national policy development

IV. Facilities and Security

- Develop new security plans and periodically improve current plans
- Continue to review and implement the Court's long range plan for facilities

METHODOLOGY

The Committee reviewed a great deal of information in formulating this Long Range Plan for the Northern District of West Virginia. In addition to the traditional data that was discussed such as caseload data, population trends, and other statistics, the Committee also considered qualitative

data that was gathered through employee surveys and interviews with individuals within and outside of the court system.

At the initial meeting of the Committee, the members were presented with caseload statistics covering the period from 1986 to 1997. These statistics indicate a very stable caseload and, absent some unforeseen circumstances, it is anticipated that the caseload will increase slowly over the next three to five years. The exception may be the Martinsburg point of holding court where the population is increasing and the impact of having a full-time judge at that location is beginning to be reflected in increased filings. (See Appendix A -- Statistics.)

The Committee reviewed the population projections for the Northern District for the period 1990 to 2020. The counties presently served at the Clarksburg and Elkins points of holding court are projected to experience moderate increases in population over the next thirty years. The counties presently served by the Martinsburg point of holding court are projected to experience a substantial increase in population. The counties presently served by the Wheeling point of holding court are projected to experience a slight decline in population.³

A third area of data gathering was to review the number of registered voters and licensed drivers in the Northern District of West Virginia. This review was made to determine whether the Jury Selection Plan for the Northern District needed to be modified to include licensed drivers in the potential jury pool together with the existing pool of registered voters. (See Appendix B -- Jury Data.)

³ Population projections are taken from a study prepared by the Regional Research Institute at West Virginia University.

In addition to these traditional data sources, the Committee felt that it was imperative to gather information from the personnel who work within the court system in the Northern District. As noted above, in order to involve all the employees in the planning process, surveys were sent to staff in the District Clerk's Office, Bankruptcy Court, Probation Office, United States Attorney's Office, the United States Marshals Service, Court Security Officers, and to chambers staff. (See Appendix C --Employee Survey Form.)

The responses from the staff in the District Clerk's Office, Bankruptcy Court, and chambers staff identified the following four priorities:

- Improved automation.
- Increased employee training.
- Creation of uniform office procedures.
- Improved interoffice communication.

Responses from the employees in the United States Attorney's Office are summarized as follows:

- Improved automation, implementation of electronic filing, and creation of a District web page.
- Establish a grand jury at each point of holding court.
- Implementation of automation for tracking payment of criminal assessments, fines, and restitution.
- Incorporation of new technology in courtrooms.

Responses from United States Marshals Service employees include the following:

- Improvement of security at all points of holding court.
- Construction of a new courthouse for Clarksburg or improvement of the existing courthouse.
- Implementation of restraints for in-custody prisoners.
- Use of videoconferencing in criminal matters.
- Creation and implementation of procedure for use of identification tags by jurors.

Responses from Court Security Officers included the following:

- Creation and implementation of procedure for use of identification tags by all judicial personnel.
- Improvement of security at the Clarksburg point of holding court.
- Development of standard operational procedures.
- Development of additional security training programs.

Another important initiative undertaken by the Committee was surveying jurors after their jury service was completed. Juror questionnaires were mailed to approximately 200 jurors. The Committee received 82 responses. The jurors who responded to the survey were generally very positive about their service with the Court, but expressed concern over lost wages, child care, and difficulty with work schedules. (See Appendix D - Jury Survey Form.)

The Committee also surveyed those attorneys who practice on a regular basis in the Northern District. A survey was mailed to 455 attorneys, who had cases pending in the District in April 2000, with 109 attorneys responding to the survey. The results of the survey can be divided into four parts:

- Attorneys were asked to consider a list of 13 issues and to rank the top five from the list. The five most important issues in order are as follows:
 - (1) Increased use of alternative dispute resolution,
 - (2) Use of broader and more representative jury panels,
 - (3) Unification of practices by the judiciary within the District,
 - (4) Implementation of videoconferencing, and
 - (5) Use of electronic filing of court documents.
- Attorneys were asked to list three of the most important issues they believed the judicial system in the Northern District should address to assure quality services to the public in the next five years. The responses fell into the following three categories:
 - (1) Improve technology,
 - (2) Timeliness of rulings, and
 - (3) Continuation and improvement of alternative dispute resolution program (i.e. "Settlement Week").

- Attorneys were asked to rate, on a scale of one to five, with five being a positive rating and one being a negative rating. the service by the staff in the Clerk’s Office in 14 areas. In 12 of the 14 categories, the attorneys rated the staff 4.2 or higher. In two of the categories, use of PACER and the voice mail system, the rating was three and three respectively. A careful review of the questionnaires showed that the attorneys do not fully understand or utilize the PACER system on a regular basis.
- After requesting that the attorneys list their three most important issues for the future, they were asked to list possible solutions for these problems. The most frequently listed suggestions were as follows:
 - (1) Expand the alternative dispute resolution program,
 - (2) Provide the judges with more resources, and
 - (3) Continue to acquire and implement the latest advances in technology.⁴

As noted above, in addition to reviewing traditional data elements relating to the Court and the use of questionnaires, the Committee also conducted interviews with key personnel in the criminal justice system. Interviews were also conducted with the Bankruptcy Judge, the three Magistrate Judges, the United States Attorney and his Assistant United States Attorneys, the United States Marshal and his Chief Deputy, the Chief United States Probation Officer and his Chief Deputy, and Professor Thomas O. Patrick from the West Virginia University College of Law, who has served as chairman of this Court’s committee to review its “Settlement Week” program. The interviews included the following topic areas: mediation, security, jury system, local rules, uniformity in court procedures, and the use of videoconferencing. All of the information gathered during this process was reviewed and considered by the Committee as it developed this Long Range Plan for the Northern District of West Virginia.

⁴ See Appendix E -- Overview of the Attorney Survey.

All of the data and information gathered by the Long Range Planning Committee were very consistent and provided a number of good ideas to assist the Committee in developing a long range plan for the Northern District. The information gathered by the Committee during the data gathering phase can be summarized as follows:

- The caseload for the district has been very stable over the last five years with slight increases in both civil and criminal cases in 1999.
- A common theme in the data gathered from employees and members of the bar was expansion and improvement of technology in the district. One of the major themes was to implement electronic filing in the district court.
- Employees who responded the survey strongly supported the implementation of uniform procedures in the Clerk's Office and the availability of additional training opportunities.
- A number of responses were received recommending improvements in the jury system, including making the jury panels more representative and empaneling a grand jury at each point of holding court.
- Alternative dispute resolution has been very successful in the Northern District and this fact was reflected in the comments from the bar. Expansion of the program was recommended.

The statistical data, information from the surveys, and the appearances before the Committee by the Magistrate Judges, Bankruptcy Judge, United States Attorney, United States Marshal, Chief United States Probation Officer and others provided invaluable information to the Committee to assist in framing the issues identified at the first meeting.

THE ISSUES

PUBLIC AND COURT EDUCATION

Issue: Public Education

Members of the Long Range Planning Committee felt strongly that the Northern District should play an important role in educating the public about the court system. Public perception of the court system is somewhat higher than other government agencies, but a recent study of the judicial system in West Virginia conducted by West Virginia University indicates that more than a quarter of the respondents believed that the court system is either difficult or extremely difficult to understand.

The majority of the respondents to the survey did not have direct experience with the court system, so their impressions of the judicial system are based somewhat upon speculation, but their views may have also been influenced by the media, experiences of friends and family members, or their attitudes about other government agencies. By implementing creative and innovative public education programs, this District can play a major role in making the court system more easily understood and perceived in a more positive light.

Issue: Media Relations

Since the media plays a major role in informing the public about the judicial system, educating the media about the role of the Court and the functioning of the judicial system could result in more accurate coverage of judicial proceedings.

Recommendation 1.1

A seminar or conference for members of the media should be organized and conducted by the judicial officers of the Northern District. (NOTE: This recommendation was implemented by action of the Court in October 2000 during the planning process.)

Issue: Bar Education

It is clear from the responses to the attorney questionnaires that the attorneys practicing in the Northern District want continuing education in a number of areas. Some of the responses from the attorneys were as follows:

- “The federal court procedural requirements are necessary. However, I believe they are not well understood. I suggest an orientation or training, particularly for newer lawyers.”
- “Provide more training for court-appointed lawyers in criminal cases.”
- “The courts must promote the establishment of a meaningful, functioning federal bar association for private practitioners that has continuing legal education as part of the program.”

It is also clear from the information supplied by the attorneys in their responses to the questionnaires that an educational effort needs to be made with respect to technology. The vast majority of the attorneys responding did not appear to be aware of the recent advances in technology in the District and did not seem to understand that they have the ability to access court records in the District through the internet. The Judges in the District have conducted continuing legal education programs at various times throughout the District. The Administrative Office, Federal Judicial Center, American Bar Association and local attorneys provide excellent resources for these seminars and programs.

Recommendation 1.2

The District Judges should continue to organize and implement regular continuing legal education seminars for the attorneys in the Northern District. These seminars should not only cover legal issues, but should also address technology and other administrative matters.

Recommendation 1.3

Judicial officers and court personnel should also continue to make themselves available to speak at bar functions, continuing legal education programs and other appropriate public programs outside of the courthouse.

Issue: Evaluation of Court Operations

Every organization needs to periodically request that the systems' users evaluate the services being furnished. The planning process engaged in by the Committee over the past few months has provided an opportunity for attorneys, jurors, employees, and others to submit information to judicial officers and court staff on the operation of the system. This information will produce a framework for change and improvements in the administration of justice in the Northern District of West Virginia.

Recommendation 1.4

In order to allow participants in the judicial system to provide information about the effectiveness of the system to the judicial officers and court staff, opportunities will be made available on a regular basis for attorneys, employees, jurors, and litigants to complete surveys or use other methods to communicate the need for improvements or changes in the judicial system.

Issue: Training and Education of Court Personnel

A well-trained staff is critical to operation of any modern office and this is particularly true in the judiciary. Training and education in the areas of technology, recently updated rules and procedures, personnel policies, jury management, and case management are essential for personnel so they may support the judicial system in the most effective ways.

The United States District Court for the Northern District of West Virginia presently employs 82 persons. These employees manage case dockets, deal with the public, interact with complex computer systems, and engage in other activities which require high levels of training and education. As business practices change both in the private and public sectors, a system needs to be in place to assure that judicial personnel have continuous access to educational opportunities.

Recommendation 1.5

The policy of conducting employee seminars for judicial personnel at the West Virginia University College of Law and other locations should be continued. If possible, these seminars should be held more often than once a year and include more specialized, agency-specific training and educational programs. In addition, if these programs can be held successfully via videoconferencing, the opportunities could be more accessible.

Recommendation 1.6

Additional emphasis needs to be placed on providing technology training to all employees in the following areas: commercial software applications, court-supported systems, courtroom technology, videoconferencing, and new technologies.

Issue: Review of Staff -- Expectations and Performance

Attorneys who responded to the portion of the survey relating to the performance of the staff in the Clerk's Office were very positive about the service they received and the attitude of the employees who worked in the office. However, it is important to continually review staff performance to assure that they continue to provide a high level of service to the members of the bar and the public.

Many organizations conduct employee performance evaluations on an ongoing basis as a routine part of the personnel practices. Employee evaluations provide employees with a review of their job performance to not only reward them for their positive contributions to the organization, but also to identify areas that need to be improved.

Recommendation 1.7

All court units should implement a system of employee evaluation in conformity with personnel guidelines adopted by the Administrative Office of the United States Courts. This program should be implemented with the adoption of a formal policy of employee evaluation and an adverse action plan.

Issue: Programs for Public Schools

The public schools offer the basic courses in government and civics, but do not offer the type of programs that provide students a fundamental understanding of the judicial system. Students need to understand the role of the courts in society and the fundamental principle of the rule of law. This can be accomplished to some degree through programs sponsored by the courts. In an effort to promote student understanding of the courts, a program titled The Judicial Scholars Program was recently implemented at the Wheeling point of holding court. This program offered junior and senior students an opportunity to participate in five learning sessions at the state and federal courts. Students received an overview of the state and federal courts, observed a Naturalization Ceremony, learned about careers in the law, attended a session of the West Virginia Supreme Court of Appeals, and participated as jurors in a mock trial. The program received a very high rating from the students and teachers who participated. The program also provides an excellent opportunity for this District Court to work with the state judiciary in West Virginia. (See Appendix F -- Overview of The Judicial Scholars Program.)

Recommendation 1.8

Continue The Judicial Scholars Program at the Wheeling point of holding court and expand the program to Clarksburg, Martinsburg, and Elkins. This program would be conducted every two years at each point of holding court.

Recommendation 1.9

To the extent resources will allow, offer shorter special topic programs to the schools. Efforts should be made to involve the local bar in all educational programs.

Issue: Law Day Events at Points of Holding Court

Law Day is an excellent time to offer special programs for the public and students. The American Bar Association and the Administrative Office of the United States Courts provide ample resources to the courts to assist with Law Day events. This Court has been offering such programs from time to time, either through a local program or by use of programs initiated by the Administrative Office of the United States Courts and The Federal Judicial Center.

Recommendation 1.10

Continue to develop Law Day programs for students within the District using a satellite broadcast and materials provided by the Administrative Office of the United States Courts or The Federal Judicial Center as a way to involve a larger number of students in a well-organized and challenging event.

Recommendation 1.11

In cooperation with local bar groups, develop a Law Day program for the public or a selected group of citizens.

AUTOMATION

Issue: Development of a Planning Process

Planning for advances in technology presents challenges due to the need to meet the day-to-day changes, and, at the same time, have the vision necessary to plan for change beyond the current environment.

Currently, the Northern District's Automation Committee has done an outstanding job of directing the installation of computers in the offices throughout the District and determining that all

systems are Y2K compliant. Because the District fell behind in the implementation of technology due to funding problems, the last several years have been a time to modernize and the District has made remarkable progress in recent years. Since the District is now current in its automation projects, it is time to plan for the future. Efforts have been made over the past year to change the role of the Automation Committee from that of one that monitors various projects to one that actively plans for the future and assures that the resources are available to implement the latest technology in the District.

Over the past year, the Automation Committee has developed a long range automation plan, has implemented videoconferencing, has upgraded the communication lines between the points of holding court, and has engaged in a number of other key projects to ensure that the District remains current in the latest developments in technology.

In an effort to develop a planning process for automation, the Long Range Planning Committee directed the formation of a subcommittee of the Automation Committee to develop a planning process for the Northern District. This subcommittee's responsibility was to develop a unified plan for the District (Bankruptcy Court, Probation, and District Court) and to review the "big picture" while not being distracted by the day-to-day automation issues that have dominated the agenda in the past.

The subcommittee, chaired by Judge Irene M. Keeley, met and addressed the issues identified by the Long Range Planning Committee. A report addressing these issues was filed with the Long Range Planning Committee on July 6, 1999, and the recommendations of that committee form the basis for the recommendations in the remainder of this section. (See Appendix G -- Report of the Technology Committee.)

Issue: The Automation Budget, Cooperation of Court Units and Purchasing Decisions

Implementing new technology and providing the maintenance for existing automation systems requires a great deal of resources. The funding for automation is currently allocated to the Bankruptcy Court, Probation, and the District Court on an individual basis. Consequently, each agency determines how its automation funds should be dispensed based on its assessment of its needs. The Long Range Planning Committee feels that a mechanism should be established to review how automation funds will be disbursed to ensure that there is no duplication of effort. Recommendations would then be made to the District Judges and the Bankruptcy Judge so that appropriate spending decisions can be determined and coordinated.

Given the current environment of restricted budgets, and considering that the Northern District is a small district with limited resources, it is imperative that available funding for automation be used in an efficient and coordinated manner. The Automation Committee's role is to assure that the unit executives and systems managers are aware of the automation plans for the District and that any funds remaining near the end of the fiscal year be disbursed in the above-mentioned manner.

Recommendation 2.1

A coordinating committee consisting of the agency executives and their respective systems managers needs to be established to prioritize and coordinate automation needs and efforts and to report to the judicial officers. (NOTE: This recommendation was implemented by action of the Court in 1999 during the long range planning process.)

Recommendation 2.2

The Automation Committee should continue to function and to make periodic recommendations to the District and Bankruptcy Judges as to maintenance and improvement of automation equipment and procedures.

Issue: Administrative Office Priorities

Most of the automation matters for the judiciary are determined by the Administrative Office of the United States Courts. For example, in the next several months the Administrative Office will direct that courts implement new systems in the following areas: financial management, jury management, case management (which will include electronic filing), personnel, and Criminal Justice Act payments. Any new Administrative Office systems implemented at the local level naturally take additional resources from the local staff and, in most cases, require the purchase of additional hardware.

Recommendation 2.3

Administrative Office systems, while not always mandated, should be implemented at the local level to remain current with the latest technology and statistical reporting requirements.

The United States District Court for the Southern District has been actively involved in the implementation of a “high tech” courtroom. The Northern District is now in the process of instituting technology in its courtrooms. The Northern District has taken the lead in such areas as the implementation of videoconferencing and an automated jury system. To the extent possible, resources and experiences should be shared by the two district courts to avoid a duplication of effort. In addition, there is an opportunity to cooperate with the judges in the Southern District in developing policy decisions at the Administrative Office to assist smaller district courts.

Recommendation 2.4

Efforts should be made to cooperate with the United States District Court for the Southern District of West Virginia to coordinate our efforts to improve technology in the federal courts in West Virginia and to attempt to influence policy at the Administrative Office that will assist small or rural districts. The District may also wish to coordinate its efforts with adjacent districts.

Recommendation 2.5

The Automation Committee's key role should continue to be policy development. In addition, it should continue to coordinate budget decisions among the court agencies to ensure that resources are shared and that purchasing decisions are made in a coordinated manner.

Issue: Videoconferencing

The Northern District of West Virginia is a largely rural area of 12,677 square miles with four points of holding court. Travel for attorneys, judicial officers, and court staff is a significant burden in terms of time and travel costs. Videoconferencing provides the technology which offers the opportunity to conduct certain judicial proceedings and administrative functions such as committee meetings, training, and staff meetings without the aforementioned burdens.

Prisoners being detained for court appearances for the Northern District are housed in a system of regional jails operated by the West Virginia Regional Jail Authority. The Regional Jail Authority is in the process of implementing videoconferencing systems in all of its facilities. This technology will afford the Court the opportunity to conduct certain routine hearings, probation interviews, and other meetings or conferences using videoconferencing without having to travel to the jail or without having to transport the prisoner to the courthouse.

As part of the effort to involve the attorneys in the planning process, a survey was sent to lawyers who have cases pending in the Northern District. The attorneys who responded to this survey listed videoconferencing as one of their top priorities for the Committee's consideration.

Videoconferencing equipment was installed at all four points of holding court in Spring 2000 and was funded through a grant from the Administrative Office of the United States Courts. This equipment is currently being utilized on a regular basis for judicial proceedings, and, to a limited extent, for administrative purposes.

Recommendation 2.6

The Northern District should fully utilize videoconferencing by exploring all of the possible uses of the system for both judicial and administrative matters. Efforts should be made to access the regional jails through the system operated by the West Virginia Regional Jail Authority and both state and federal prisons.

JUDICIAL RESOURCES AND FUNCTIONS

Issue: Consistency in Practices Among the Judicial Officers

Given the geographic location of the offices in the Northern District and the office management procedures established by each respective judicial officer, each office sometimes develops a customized procedure slightly different from the others. Most of these management procedures do not affect how cases are processed, but in some instances they do, and these differences should be identified and uniformity achieved wherever and whenever appropriate.

Judicial officers develop practices that are unique to their point of holding court and which do not impact on the basic case management procedures. Examples of this would include minor differences in the way a petit jury is empaneled, certain differences in criteria for selecting cases for mediation, and minor differences in provisions in scheduling orders, none of which have a direct impact on how cases are resolved.

There are also differences in the Clerk's Office's management of certain matters. Again, these differences, in most instances, do not have a significant impact on case management and procedures, but it is an issue that needs to be addressed.

A review of the attorney surveys indicates that consistency in practices among judicial officers is one of their top five issues for review by the Long Range Planning Committee. While minor differences among the offices do not have a significant impact on case management and

procedures, these differences may make it more difficult for attorneys who practice throughout the District.

Recommendation 3.1

Case management and general office practices need to be documented. If differences in case management and procedure significantly impact case processing and/or have a major impact on the disposition of cases, these differences need to be identified and presented to the judicial officers for consideration in providing uniformity where appropriate.

Issue: Jury Management

The right to trial by jury is one of our society's most valued liberties. Jury service is one of the few opportunities that most Americans have to participate directly in government. Since an effective jury system is fundamental to the success of the Court, the members of the Committee devoted an extensive amount of time to analyzing the present jury system for the Northern District of West Virginia.

The first area of review was the source list used to select jurors for service as petit or grand jurors. The Northern District has traditionally selected jurors from the list of registered voters. Several potential problems exist in utilizing only registered voters to develop jury lists. Voter registration lists typically include only 60 to 70 percent of the population over age 18 and over represent older, upper income, well-educated, and non-minority persons in the jurisdiction (Source: Jury Trial Innovation published by the National Center for State Courts).

There are 421,047 registered voters in the 32 counties that are located in the Northern District. There are 556,481 licensed drivers over the age of 18 in the same geographic area. Supplementing the voters list with licensed drivers would substantially increase the pool of potential jurors for the District.

A second area of review involved the traditional practice of having one grand jury for the Northern District. Under this system, the grand jury is empaneled at one location and then travels to the other points of holding court. The grand jury usually meets five or six times during its term for three to five days in each session.

One of the major criticisms of this system was the travel burden placed on the grand jurors, grand jury witnesses, and the cost of administering the current system. Grand jurors may have to travel in excess of 300 miles to attend a session of the grand jury with a three to four night stay in a hotel. In addition, if a case is presented to the grand jury from a point of holding court other than where the grand jury was sitting, witnesses were also required to travel to the grand jury. Consequently, a study was completed by the Clerk's Office projecting the potential financial savings of changing to a system of local grand juries. The study concluded that changing to a system of localized grand juries at each point of holding court would save approximately \$24,000 per year in travel costs where grand juries were convened 12 times per year. As a part of this study, other district courts in the Fourth Circuit were contacted, and it was learned that the Northern District of West Virginia was the only district court in the circuit that had a district-wide grand jury.

Moving to a system of local grand juries would reduce the burden of service for the grand jurors while increasing the amount of times a grand jury convenes from five to six times a year to 12 sessions. A local grand jury would also better accommodate the travel and time burdens placed on grand jury witnesses. The issue of instituting a grand jury at each point of holding court was raised by the United States Attorney for this District during this Committee's interview and the United States Attorney has recommended a change to this system.

The third area of discussion related to determining if the Court could improve services to those jurors who report to the courthouse for jury service. As part of the planning process, a survey form was mailed to jurors at all four points of holding court at the conclusion of their jury service. The purpose of the survey was to determine the attitude of the jurors following their service and to determine if changes are needed in the administration of the jury system.

The Clerk's Office received 82 survey forms from jurors who served at all four points of holding court. Jurors, for the most part, had a very favorable reaction to their jury service. As with most surveys of this type, jurors who actually were selected to serve on a jury had the most favorable response. The comments of the jurors fell into several major topic areas:

- Parking was an issue with several jurors. Parking either was not readily available or the jurors requested that they be notified in advance of reporting where they should park.
- Lost income was a significant issue with some jurors. If their employer did not compensate them for the time they served as a juror, jury service created a serious financial burden for these individuals.
- Care of children, elderly parents, or other family members was a problem for some jurors.
- Jurors had a very favorable view of the court staff and the facilities. However, there were issues with the seating (hard benches) and providing refreshments other than coffee.
- Work schedules were an issue with a number of jurors. Placing a juror on call may cost them a workday even if they are not selected and the uncertainty of how long they will serve or if they will serve presents a problem with work schedules.

The fourth topic area relating to jury administration was security. As none of the courthouses in the Northern District presently have jury assembly rooms, the danger of jurors coming in contact with the parties or witnesses in the case for which the jurors were summoned exists. Until recently,

no procedures were in place to identify potential jurors once they entered the building. This situation not only exposed the potential jurors to inappropriate contacts by the parties or witnesses in the case, but also presented a security issue since the Court Security Officers are unable to identify individuals as potential jurors when they enter the building.

The final area of discussion was the automation of the jury selection system. Currently, the Northern District utilizes a vendor to assist with the summoning and qualification of jurors and a manual system to manage the jurors once their term of service begins. One of the problems with the administration of any jury system is the need to call a number of individuals for jury service only to have the case settle prior to trial. Even though there may not be a large number of jury trials in a given court, an extensive amount of work is involved in preparing the jury panels and having the jurors be available.

Recommendation 3.2

In order to expand the list of potential jurors in the Northern District, the jury selection process should be modified to include registered voters and licensed drivers. (NOTE: This recommendation was implemented by action of the Court in 1999 during the long range planning process.)

Recommendation 3.3

The District should establish a system of empaneling a grand jury for each point of holding court. (NOTE: This recommendation was implemented by action of the Court in 1999 during the long range planning process.)

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In order to provide jurors with more information, a pamphlet should be created and mailed to the jurors along with their notice to report for service. The pamphlet should provide basic information about jury service and answer the most frequently asked questions, such as those concerning parking, dress code and selection method. (NOTE: This recommendation was implemented by action of the Court in 1999 during the long range planning process.)

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In order to identify jurors, the Court Security Officers will affix a juror badge on all persons summoned for jury duty upon entry into the courthouse. (NOTE: This recommendation was implemented by action of the Court in 2000 during the long range planning process.)

Recommendation 3.6

The District should implement, as soon as possible, the Jury Management System developed by the Administrative Office of the United States Court. This will allow the Court to automate all of the jury functions of the District.

Issue: Local Rules and Standing Orders

Local rules and standing orders provide a framework for administrative matters and the manner in which cases are handled in the District Court. In addition, local rules also assure that, whenever possible, consistent practices exist at all four points of holding court. Local rules and standing orders also provide the framework to implement new technology in the courts such as videoconferencing, imaging of court documents, and electronic filing.

The current practice in the District is to implement administrative policies such as case assignment, jury administration, case management, and other general administrative matters through the use of miscellaneous orders. Since miscellaneous orders are also used for other matters, it is often difficult to find and/or organize the matters that relate to purely administrative issues. As the Court moves forward in implementing new policies in the District or amending current practices, the issue of documenting changes through the entry of appropriate orders needs to be addressed. In addition, standing orders may be preferable, in certain instances, to new or amended local rules.

An important concern reviewed by the Committee involved updating the local rules. It is important that the local rules be reviewed and updated on a regular basis to reflect changes in local

practice and to implement changes in procedure. The District has a Local Rules Committee (Civil) and a Local Rules Committee (Criminal) which review both civil and criminal rules. These committees will be reconvened to review the current local rules that were last amended in March 1996.

Recommendation 3.7

Establish a system of standing orders to organize and implement administrative procedures in the District Court. These orders should involve matters such as case assignment, jury management, case processing, and other administrative matters.

Recommendation 3.8

Survey court personnel and others to solicit ideas and recommendations for amending the local rules and establishing standing orders.

Recommendation 3.9

Reconvene the Local Rules Committees for the Northern District whenever necessary and request that the committees review the local rules and make recommendations to the judicial officers regarding changes in the rules.

Issue: Case Management

Effective case management is an important issue for every court to consider during a long range planning effort. The public expects prompt and affordable justice and courts should strive to design and implement an effective case management system.

While the Northern District has an effective case management system to dispose of cases in a timely manner, there are areas that may need to be examined. One area is the assignment of cases to Magistrate Judges. Under certain circumstances, delays exist in referring cases from the District Judge to the Magistrate Judge. These cases include social security appeals and prisoner cases.

The attorney survey also suggested the need for more timely rulings on certain matters, such as dispositive motions, and a revision of local rules to handle motions to remand more expeditiously and to stay federal proceedings, including discovery, until the Court rules on the motions.

Recommendation 3.10

Develop standing orders that refer prisoner cases and social security cases directly to the Magistrate Judge when they are filed. (NOTE: This recommendation has been implemented by adoption of a standing order during the long range planning process.)

Recommendation 3.11

Conduct a study of the current case management system to determine if areas exist that can be improved.

Issue: Alternative Dispute Resolution

Alternative dispute resolution (“ADR”) is a collection of strategies for resolving legal disputes without the time and expense ordinarily associated with the conventional trial court process. Some of the most commonly used ADR methods include mediation, arbitration, early neutral case evaluation, mini-trials, summary jury trials, and judicial settlement conferences.

In 1987, the United States District Court for the Northern District of West Virginia implemented a mediation program known as “Settlement Week.” Settlement Week is a designated period of time at each of the four points of holding court within the Northern District when settlement discussions are conducted by trained, volunteer attorney-mediators in cases nominated by the parties or designated by the Court. By all accounts, Settlement Week has been and continues to be a useful program.

A study was conducted in 1997 by a Settlement Week Advisory Committee for the District appointed by the District Judges. The study concluded that there was a high degree of satisfaction

with the Settlement Week program among members of the bar who were surveyed. The atmosphere of a Settlement Week creates an environment for settlement and improves communication between or among the litigants and the attorneys. However, there are several issues that need to be reviewed.

These include:

- In addition to the current practice of having a designated week for mediation, there may be instances where individual cases should be set for mediation outside of the Settlement Week schedule.
- Mediators are now being paid in state courts and this may impact the future of the use of volunteer mediators.
- Settlement Week may be a training ground for new mediators as the opportunities for paid mediation opportunities expands. The result could be that experienced mediators are not available for scheduled Settlement Week mediations.
- On occasion, there may be a need to assign attorneys with a special expertise to complex cases to assure an effective mediation.
- Since mediation is becoming more prevalent in the federal courts, there may be a need to train attorneys on skills development in mediation and effective representation of clients in mediation.
- The timing of Settlement Week may need to be reviewed to assure that attorneys are available to act as mediators.
- Consideration should be given to the role of the mediator in the Northern District. For example, there are two traditional models for mediators to follow. The first is the facilitator model where the mediator acts to establish an environment for settlement. The second is the evaluative model where the mediator takes a more active role giving advice to parties.
- Consideration should be given to what information a mediator should share with the Court following an unsuccessful mediation.
- Consideration should be given to the role the Magistrate Judges should assume with mediation, particularly in light of the provisions of the Alternative Dispute Resolution Act of 1998.

- Efforts that can be utilized to ensure better participation by parties and representatives of parties having authority to settle.

Alternative dispute resolution is an integral part of the case management process in the Northern District and as such merits constant review and evaluation.

Recommendation 3.12

Continue the current Settlement Week program in the Northern District, but in certain instances it may be beneficial to the litigants to schedule cases for mediation outside of the Settlement Week schedule.

Recommendation 3.13

Examine the impact of the expansion of alternative dispute resolution in state courts relative to the Settlement Week program in this District. State courts are compensating mediators and the West Virginia Legislature has mandated that mediation occur in family law cases, where appropriate, further impacting the availability of experienced mediators for this District Court.

Recommendation 3.14

Review the role of the Settlement Week mediator and attempt to define what information can be shared with the Court following an unsuccessful mediation and whether the mediator should take a more aggressive role during meditations (evaluative model).

Recommendation 3.15

Utilize the Magistrate Judges as mediators to the extent they are available and their role as a mediator does not create a conflict of interest.

Recommendation 3.16

Judges should attempt to rule on relevant motions prior to mediation to assist the parties in evaluating the case prior to mediation.

Recommendation 3.17

Given the changes in alternative dispute resolution in West Virginia, the Settlement Week program should continue to be studied with recommendations made to the judicial officers of the District.

Issue: Use of Magistrate Judges

The Northern District currently has two full-time Magistrate Judge positions and one part-time Magistrate Judge position. The Magistrate Judges are currently utilized for pre-trial criminal work, prisoner litigation, social security appeals, discovery disputes, and mediation.

Given the geographic distribution of the Magistrate Judges, it is important to fully implement the use of videoconferencing technology to allow them to fulfill their role without the burden of traveling to other points of holding court. There are limitations with respect to utilizing this technology for certain proceedings such as arraignments, but videoconferencing will allow the Magistrate Judges to fulfill their roles and reduce the travel burden.

There are a number of functions that can be performed by the Magistrate Judges with the consent of the parties. For example, it is necessary to get the consent of the parties before a Magistrate Judge may try a civil case. Historically, this consent has not been frequently given in this District or other district courts. Perhaps this is a result of a lack of understanding on the part of the attorneys or perhaps this consent is not being fully presented to the parties by the District Judges.

Magistrate Judges perform a critical function in the federal judicial system and the roles they perform should be constantly monitored to be sure they are used effectively. As Magistrate Judges are increasingly being utilized in the District, attention should be given to expanding the number of Magistrate Judges, either full-time or part-time, within the District.

Recommendation 3.18

Efforts should be made to educate the members of the bar and to encourage them to consent to the utilization of Magistrate Judges to try civil cases.

Recommendation 3.19

Review the applicable Standing Order to determine if there are other matters, such as certain dispositive motions, that can be assigned to the magistrate judges to expedite the disposition of cases.

Recommendation 3.20

Maximize the utilization of videoconferencing technology in the magistrate court.

Recommendation 3.21

Continue to evaluate the Magistrate Judges system in the Northern District of West Virginia and, if appropriate, consider requesting Judicial Conference approval of an increase in the number of either full-time or part-time Magistrate Judges in the Northern District.

Issue: Review of Budget

The district courts in the past several years have operated under a decentralized budget system through the Administrative Office which has provided the Court with a certain amount of flexibility in budgeting. This flexibility is essential as the Court continually monitors financial performance in light of certain trends. It is important that the Court review its budget throughout the fiscal year and plan for the use of any projected budget surplus on a court-wide basis. The utilization of any budget surplus should be determined by the District Judges and Bankruptcy Judge, in close consultation with court executives.

Recommendation 3.22

Court financial executives should report periodically to the judicial officers as to the preparation and adoption of the budget and any proposed extraordinary expenditures. The Chief Judge shall be advised of any budget surplus well in advance of any deadlines in order that a decision may be made by the judicial officers of the District as to the use of any surplus.

Issue: Participation in National Policy Development

It is important that judicial officers and court personnel be involved, not only in local court affairs, but in programs and committees involving law and the courts on a national or regional level as well.

Recommendation 3.23

Judicial officers and court personnel, to the extent that their court duties and personal obligations permit, should be encouraged to participate in and serve on Judicial Conference and Administrative Office committees and, thereafter, to report to the court on the activities of those committees. Service should be on a committee that will provide information useful to the United States District Court for the Northern District of West Virginia.

FACILITIES AND SECURITY

Issue: Security Planning

Security of federal courthouses is of paramount importance and proper planning for security is a critical part of any long range plan for a district court. The Northern District has a standing Committee on Court Security that meets regularly to review and address security concerns. Through the work of this committee and a presentation by the United States Marshal, a number of security concerns were considered by the Long Range Planning Committee.

First, it is important to secure adequate resources for implementation of security projects and to maintain adequate personnel. Currently, funding is not available for security projects at all four points of holding court. Funding for security is needed for the recently completed addition in Wheeling, for the completion of construction projects in Martinsburg, and for alarm systems at all locations. In addition, the workload is increasing throughout the District.

Second, either a new courthouse building needs to be constructed in Clarksburg or major renovations need to be made to the existing building. There are a number of security and space concerns with the existing building in Clarksburg that make it impossible to correct these deficiencies with only minor renovations.

Third, training of court personnel on security issues should be a priority. This training should include evacuation of buildings, personal safety procedures, and safety concerns in the workplace.

Finally, this District should develop clear goals and objectives for improving security throughout the District. This plan should take into account the future addition of two federal prisons in the District and the impact this will have upon the United States Marshals Service.

In addition to these long range issues there were a number of other security issues considered by the Committee. These include:

- The current status of on-street parking and the lack of a secure perimeter around all of the buildings in the District.
- The location of post office lobbies in buildings occupied by judges as a perceived problem.
- The need for jurors to be clearly identified when they enter the building.
- The development of standard operating procedures and increased training.

The Committee considers addressing security concerns a priority and the following recommendations are intended to provide a framework for improving security in the Northern District.

Recommendation 4.1

Charge the Court Security Committee with the development of a long range security plan for the District.

Recommendation 4.2

Continued efforts should be made to secure funding for the security equipment that is needed at all points of holding court.

Recommendation 4.3

Increased security training opportunities should be provided for all judicial personnel.

Issue: Judicial Facilities

The goal of any court should be to have facilities that are safe, accessible, and convenient to use. In addition, it is important that judicial facilities establish an environment that fosters respect from those who appear in court or observe court proceedings.

The Space and Facilities Committee of the Judicial Conference of the United States has adopted the practice of updating the Long Range Facility Plan for each district court every three to four years. The plan for the Northern District of West Virginia was updated in July 2000. That plan was reviewed by the Long Range Planning Committee and adequately addresses the facility issues in the District.

Plans are being developed for a new judicial facility in Wheeling which will be an annex to the existing historic courthouse. This new construction, along with an addition that was completed in 1999, should address the space and facility needs for this point of holding court. Extensive courthouse renovations have been undertaken and are being completed in Martinsburg, certain renovations have been completed in Clarksburg and other renovations will be undertaken in the near future, such as the construction of a new grand jury room.

The Long Range Facility Plan identifies the need for a grand jury suite, jury assembly room, and a visiting judge's chamber in Elkins. The United States Marshals Service reports a need in Elkins for a sallyport and courtroom holding cells.

While this updated facilities plan provides an excellent overview of the space and facility issues in the District, there are specific recommendations that this Committee is prepared to make that need immediate attention. These recommendations include:

Recommendation 4.4

A new courthouse facility needs to be constructed in Clarksburg or, in the alternative, the current facility should be completely remodeled and the court provided additional space to address the concerns outlined in the Long Range Facility Plan.

Recommendation 4.5

Efforts need to continue to assure that the courthouse renovations in Martinsburg are completed. This includes funding for relocating the Clerk's Office, renovation of the lobby, renovation of the exterior of the building, and completion of the construction of the United States Marshals Service's area to include a sallyport and a secure elevator. Renovations in Clarksburg should be undertaken and completed in a timely fashion. Renovations at the Elkins point of holding court should be timely pursued.

Recommendation 4.6

This Court should develop a strategy to address all of the matters identified in the Long Range Facility Plan.

IMPLEMENTATION OF THE LONG RANGE PLAN

This long range plan should provide a framework to improve the administration of justice in the Northern District of West Virginia. For this plan to be effective, the implementation of the recommendations for changes need to be monitored and individuals or committees charged with the

responsibility for implementing the plan for the District. In addition, it is imperative that this plan is revisited on a regular basis and amended accordingly.

Recommendation 5.1

This Committee shall review this long range plan every two years and consideration should then be given to updating or amending this plan. The Chairman of the Committee may appoint a member or members of the Committee or other judicial officers or court personnel to review certain segments of the report and to make recommendations to the Committee.

This plan has noted above the population and other demographic trends that are occurring within the District and how these can affect the number and type of cases that may be filed. The Court should be aware of these trends and analyze them, particularly as it may impact upon the various counties served by each point of holding court.

Recommendation 5.2

The Court shall await the results of the 2000 Census showing demographic statistics in the Northern District and then determine what, if any, realignment should be made in the counties served by the four points of holding court.

CONCLUSION

At the first meeting of the Long Range Planning Committee, the Committee decided to address three questions:

- Where are we now?
- Where do we want to be?
- How do we get there?

During the past months, the Committee has devoted a great deal of time and resources to answering these questions. First, in order to determine where we are now, a number of surveys were conducted and the Committee discussed issues with key personnel in the District. In addition,

statistics reflecting the workload in the Northern District were compiled to provide the Committee with accurate information on the current workload and adequate information to project future trends with respect to the caseload statistics.

Second, based on the information gathered by the Committee, an effort was undertaken to review changes in the administration of justice in the District and to address the issues identified at the first meeting. Changes were made in many areas where a consensus was reached that immediate changes could be implemented. These changes included such areas as jury administration, student education, media education, and several improvements in the implementation of technology in the District.

Finally, a number of issues could not be addressed immediately and will require further consideration. The plan provides a basic framework for dealing with these long-term issues and clearly sets forth that this plan will require constant review and updating.

This document provides a “road map” for the future and establishes an agenda for progress in the District. The current challenge is to maintain the momentum this planning process has created for positive change in the Northern District of West Virginia.

Author and planning expert William J. Pfeiffer has defined strategic planning as the “. . . process by which the guiding members of an organization envision its future and develop the necessary procedures and operations to achieve that future Envisioning involves a belief that aspects of the future can be influenced and changed by what one does now . . . that you can do more than plan for the future; you can help the organization create its future.”

Two other quotations by those who were not involved in the business of planning are, nevertheless, worthy of note to stress the importance and the difficulty of developing a long range plan:

“We should all be concerned about the future because we will have to spend the rest of our lives there.”

Charles F. Kettering

“It’s tough to make predictions, especially about the future.”

Lawrence P. (“Yogi”) Berra

LONG RANGE PLAN
SUMMARY OF RECOMMENDATIONS

PUBLIC AND COURT EDUCATION

Recommendation 1.1

A seminar or conference for members of the media should be organized and conducted by the judicial officers of the Northern District. (NOTE: This recommendation was implemented by action of the Court in October 2000 during the planning process.)

Recommendation 1.2

The District Judges should continue to organize and implement regular continuing legal education seminars for the attorneys in the Northern District. These seminars should not only cover legal issues, but should also address technology and other administrative matters.

Recommendation 1.3

Judicial officers and court personnel should also continue to make themselves available to speak at bar functions, continuing legal education programs and other appropriate public programs outside of the courthouse.

Recommendation 1.4

In order to allow participants in the judicial system to provide information about the effectiveness of the system to the judicial officers and court staff, opportunities will be made available on a regular basis for attorneys, employees, jurors, and litigants to complete surveys or use other methods to communicate the need for improvements or changes in the judicial system.

Recommendation 1.5

The policy of conducting employee seminars for judicial personnel at the West Virginia University College of Law and other locations should be continued. If possible, these seminars should be held more often than once a year and include more specialized, agency-specific training and educational programs. In addition, if these programs can be held successfully via videoconferencing, the opportunities could be more accessible.

Recommendation 1.6

Additional emphasis needs to be placed on providing technology training to all employees in the following areas: commercial software applications, court-supported systems, courtroom technology, videoconferencing, and new technologies.

Recommendation 1.7

All court units should implement a system of employee evaluation in conformity with personnel guidelines adopted by the Administrative Office of the United States Courts. This program should be implemented with the adoption of a formal policy of employee evaluation and an adverse action plan.

Recommendation 1.8

Continue The Judicial Scholars Program at the Wheeling point of holding court and expand the program to Clarksburg, Martinsburg, and Elkins. This program would be conducted every two years at each point of holding court.

Recommendation 1.9

To the extent resources will allow, offer shorter special topic programs to the schools. Efforts should be made to involve the local bar in all educational programs.

Recommendation 1.10

Continue to develop Law Day programs for students within the District using a satellite broadcast and materials provided by the Administrative Office of the United States Courts or The Federal Judicial Center as a way to involve a larger number of students in a well-organized and challenging event.

Recommendation 1.11

In cooperation with local bar groups, develop a Law Day program for the public or a selected group of citizens.

AUTOMATION

Recommendation 2.1

A coordinating committee consisting of the agency executives and their respective systems managers needs to be established to prioritize and coordinate automation needs and

efforts and to report to the judicial officers. (NOTE: This recommendation was implemented by action of the Court in 1999 during the long range planning process.)

Recommendation 2.2

The Automation Committee should continue to function and to make periodic recommendations to the District and Bankruptcy Judges as to maintenance and improvement of automation equipment and procedures.

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The District should implement, as soon as possible, the Jury Management System developed by the Administrative Office of the United States Court. This will allow the Court to automate all of the jury functions of the District.

Recommendation 3.7

Establish a system of standing orders to organize and implement administrative procedures in the District Court. These orders should involve matters such as case assignment, jury management, case processing, and other administrative matters.

Recommendation 3.8

Survey court personnel and others to solicit ideas and recommendations for amending the local rules and establishing standing orders.

Recommendation 3.9

Reconvene the Local Rules Committees for the Northern District whenever necessary and request that the committees review the local rules and make recommendations to the judicial officers regarding changes in the rules.

Recommendation 3.10

Develop standing orders that refer prisoner cases and social security cases directly to the Magistrate Judge when they are filed. (NOTE: This recommendation has been implemented by adoption of a standing order during the long range planning process.)

Recommendation 3.11

Conduct a study of the current case management system to determine if areas exist that can be improved.

Recommendation 3.12

Continue the current Settlement Week program in the Northern District, but in certain instances it may be beneficial to the litigants to schedule cases for mediation outside of the Settlement Week schedule.

Recommendation 3.13

Examine the impact of the expansion of alternative dispute resolution in state courts relative to the Settlement Week program in this District. State courts are compensating mediators and the West Virginia Legislature has mandated that mediation occur in family law cases, where appropriate, further impacting the availability of experienced mediators for this District Court.

Recommendation 3.14

Review the role of the Settlement Week mediator and attempt to define what information can be shared with the Court following an unsuccessful mediation and whether the mediator should take a more aggressive role during meditations (evaluative model).

Recommendation 3.15

Utilize the Magistrate Judges as mediators to the extent they are available and their role as a mediator does not create a conflict of interest.

Recommendation 3.16

Judges should attempt to rule on relevant motions prior to mediation to assist the parties in evaluating the case prior to mediation.

Recommendation 3.17

Given the changes in alternative dispute resolution in West Virginia, the Settlement Week program should continue to be studied with recommendations made to the judicial officers of the District.

Recommendation 3.18

Efforts should be made to educate the members of the bar and to encourage them to consent to the utilization of Magistrate Judges to try civil cases.

Recommendation 3.19

Review the applicable Standing Order to determine if there are other matters, such as certain dispositive motions, that can be assigned to the magistrate judges to expedite the disposition of cases.

Recommendation 3.20

Maximize the utilization of videoconferencing technology in the magistrate court.

Recommendation 3.21

Continue to evaluate the Magistrate Judges system in the Northern District of West Virginia and, if appropriate, consider requesting Judicial Conference approval of an increase in the number of either full-time or part-time Magistrate Judges in the Northern District.

Recommendation 3.22

Court financial executives should report periodically to the judicial officers as to the preparation and adoption of the budget and any proposed extraordinary expenditures. The Chief Judge shall be advised of any budget surplus well in advance of any deadlines in order that a decision may be made by the judicial officers of the District as to the use of any surplus.

Recommendation 3.23

Judicial officers and court personnel, to the extent that their court duties and personal obligations permit, should be encouraged to participate in and serve on Judicial Conference and Administrative Office committees and, thereafter, to report to the court on the activities of those committees. Service should be on a committee that will provide information useful to the United States District Court for the Northern District of West Virginia.

FACILITIES AND SECURITY

Recommendation 4.1

Charge the Court Security Committee with the development of a long range security plan for the District.

Recommendation 4.2

Continued efforts should be made to secure funding for the security equipment that is needed at all points of holding court.

Recommendation 4.3

Increased security training opportunities should be provided for all judicial personnel.

Recommendation 4.4

A new courthouse facility needs to be constructed in Clarksburg or, in the alternative, the current facility should be completely remodeled and the court provided additional space to address the concerns outlined in the Long Range Facility Plan.

Recommendation 4.5

Efforts need to continue to assure that the courthouse renovations in Martinsburg are completed. This includes funding for relocating the Clerk's Office, renovation of the lobby, renovation of the exterior of the building, and completion of the construction of the United States Marshals Service's area to include a sallyport and a secure elevator. Renovations in Clarksburg should be undertaken and completed in a timely fashion. Renovations at the Elkins point of holding court should be timely pursued.

Recommendation 4.6

This Court should develop a strategy to address all of the matters identified in the Long Range Facility Plan.

IMPLEMENTATION OF THE LONG RANGE PLAN

Recommendation 5.1

This Committee shall review this long range plan every two years and consideration should then be given to updating or amending this plan. The Chairman of the Committee may appoint a member or members of the Committee or other judicial officers or court personnel to review certain segments of the report and to make recommendations to the Committee.

Recommendation 5.2

The Court shall await the results of the 2000 Census showing demographic statistics in the Northern District and then determine what, if any, realignment should be made in the counties served by the four points of holding court.

LONG RANGE PLAN

APPENDICES



**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

APPENDIX A

STATISTICS

Case History

Year	Civil Cases Commenced	Criminal Cases Commenced	Defendants Commenced	Total Weighted Filings	Persons Under Supervision	PSA Cases Activated	Federal Defender Cases Opened	Bankruptcy Filings
1951	90	98	110	N/A	119	N/A	N/A	145
1952	114	77	82	N/A	86	N/A	N/A	129
1953	93	117	136	N/A	87	N/A	N/A	165
1954	101	107	113	N/A	97	N/A	N/A	212
1955	103	74	81	N/A	95	N/A	N/A	232
1956	138	79	78	N/A	77	N/A	N/A	200
1957	109	80	95	N/A	80	N/A	N/A	208
1958	160	61	72	N/A	96	N/A	N/A	259
1959	117	73	89	N/A	101	N/A	N/A	315
1960	131	57	67	N/A	94	N/A	N/A	242
1961	108	80	91	N/A	89	N/A	N/A	323
1962	181	112	112	276	99	N/A	N/A	427
1963	168	79	79	208	86	N/A	N/A	398
1964	203	62	84	210	100	N/A	N/A	469
1965	254	55	96	232	108	N/A	N/A	484
1966	318	64	91	296	390	N/A	N/A	591
1967	285	104	90	362	91	N/A	N/A	633
1968	235	88	88	322	76	N/A	N/A	570
1969	263	163	84	436	89	N/A	N/A	534
1970	301	169	81	542	73	N/A	N/A	639
1971	235	128	93	450	100	N/A	N/A	603
1972	259	111	90	444	96	N/A	N/A	561
1973	291	105	81	488	128	N/A	N/A	547
1974	329	78	79	496	114	N/A	N/A	579
1975	445	69	84	620	117	N/A	N/A	696
1976	544	72	87	608	114	N/A	N/A	719
1977	578	108	127	588	130	N/A	N/A	593
1978	404	79	103	574	149	N/A	N/A	580
1979	475	59	87	594	148	N/A	N/A	479
1980	791	64	82	756	145	N/A	N/A	556
1981	702	55	71	450	126	N/A	N/A	922
1982	805	47	82	710	106	N/A	N/A	972
1983	886	125	180	746	149	N/A	N/A	802
1984	904	112	193	800	173	N/A	N/A	606
1985	918	129	161	768	220	N/A	N/A	563
1986	699	106	178	684	220	N/A	N/A	751
1987	541	181	239	726	257	N/A	N/A	866
1988	557	191	239	662	267	40	N/A	912
1989	567	225	293	1,034	300	14	N/A	1,001
1990	549	238	336	910	356	78	N/A	1,075
1991	506	144	333	750	454	55	N/A	1,310
1992	588	233	365	1,173	484	187	N/A	1,538
1993	642	109	154	780	448	108	N/A	1,382
1994	515	126	187	765	413	125	N/A	1,316
1995	597	107	192	891	334	186	N/A	1,442
1996	652	107	211	918	314	172	N/A	2,175
1997	710	132	209	939	276	212	N/A	3,279
1998	622	113	165	822	259	156	N/A	3,586

Based on data reported in the Director's Annual Report.

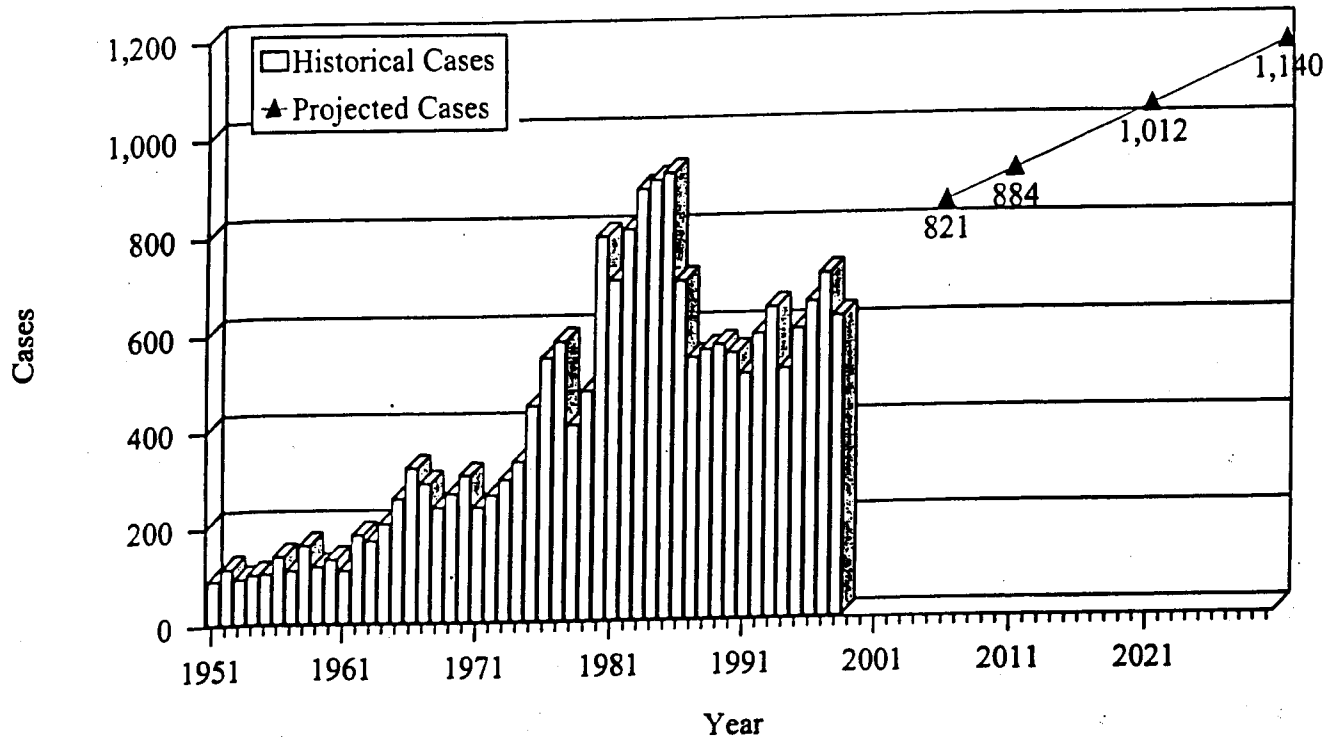
Northern District of West Virginia Forecasted Caseload Analyzed

	Year				Total 30-Year Growth	Compounded Annual Growth Rate
	2005	2010	2020	2030		
Civil Cases Commenced	821	884	1,012	1,140	83.28%	1.91%
Criminal Cases Commenced	135	140	151	162	43.36%	1.13%
Defendants Commenced	247	262	292	323	95.76%	2.12%
Total Weighted Filings	1,037	1,104	1,249	1,407	71.17%	1.69%
Persons Under Supervision	378	405	457	509	96.53%	2.13%
PSA Cases Activated*	244	266	317	374	139.74%	2.77%
Bankruptcy Filings	3,757	4,217	4,870	5,564	55.16%	1.38%

* - There are insufficient data to generate a statistical forecast. The trend is provided for discussion purposes only.

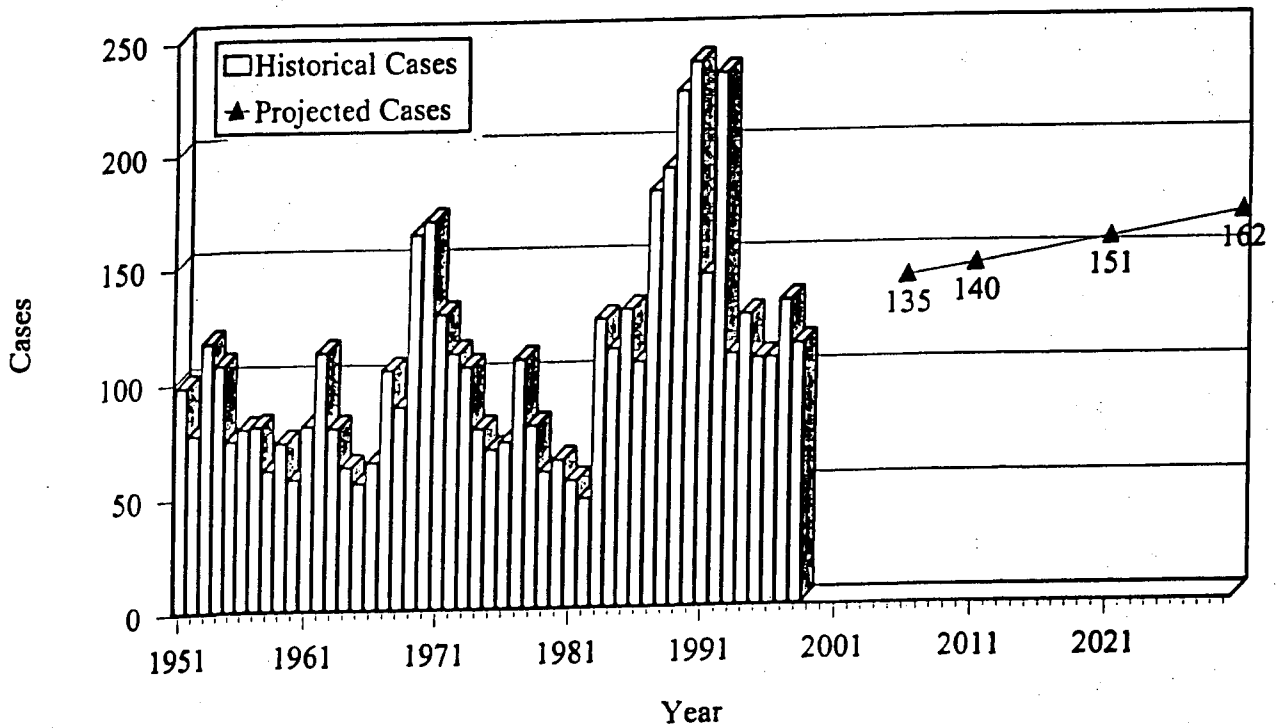
Northern District of West Virginia

Civil Cases Commenced



Northern District of West Virginia

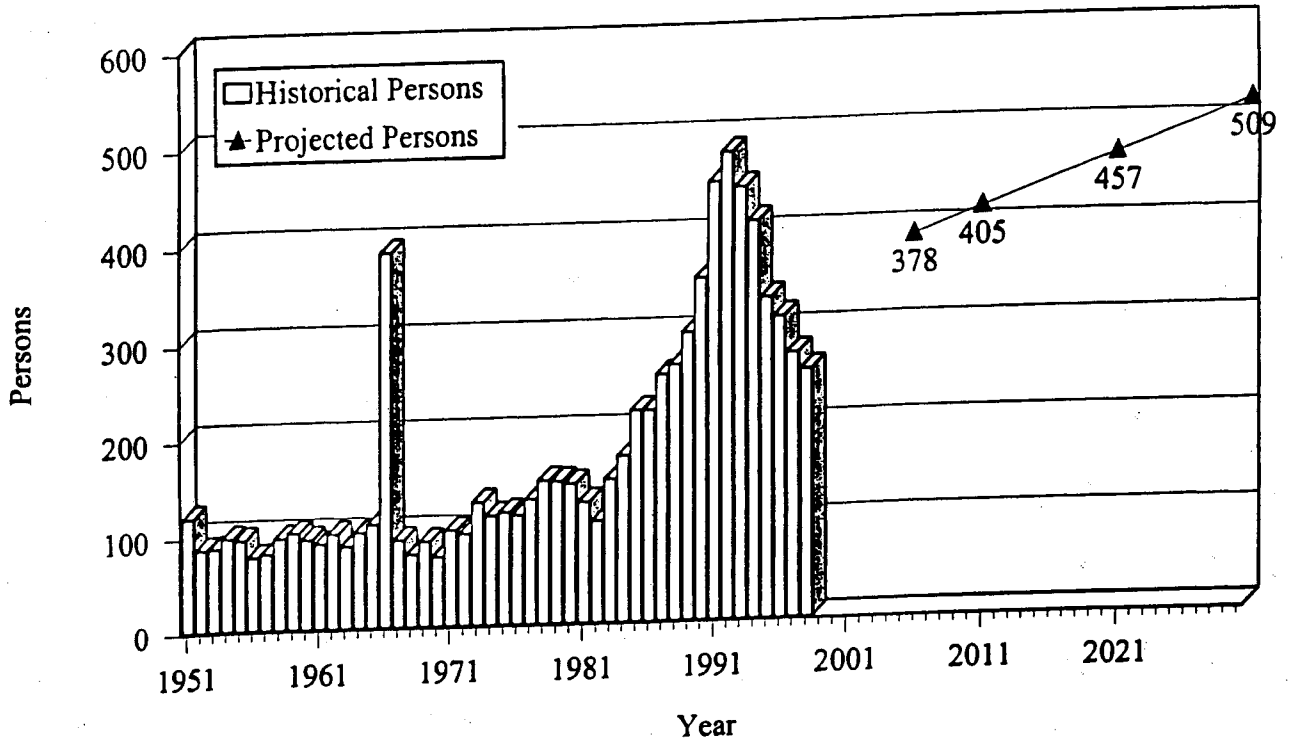
Criminal Cases Commenced



Statistical Year Data - October 1 to September 30.

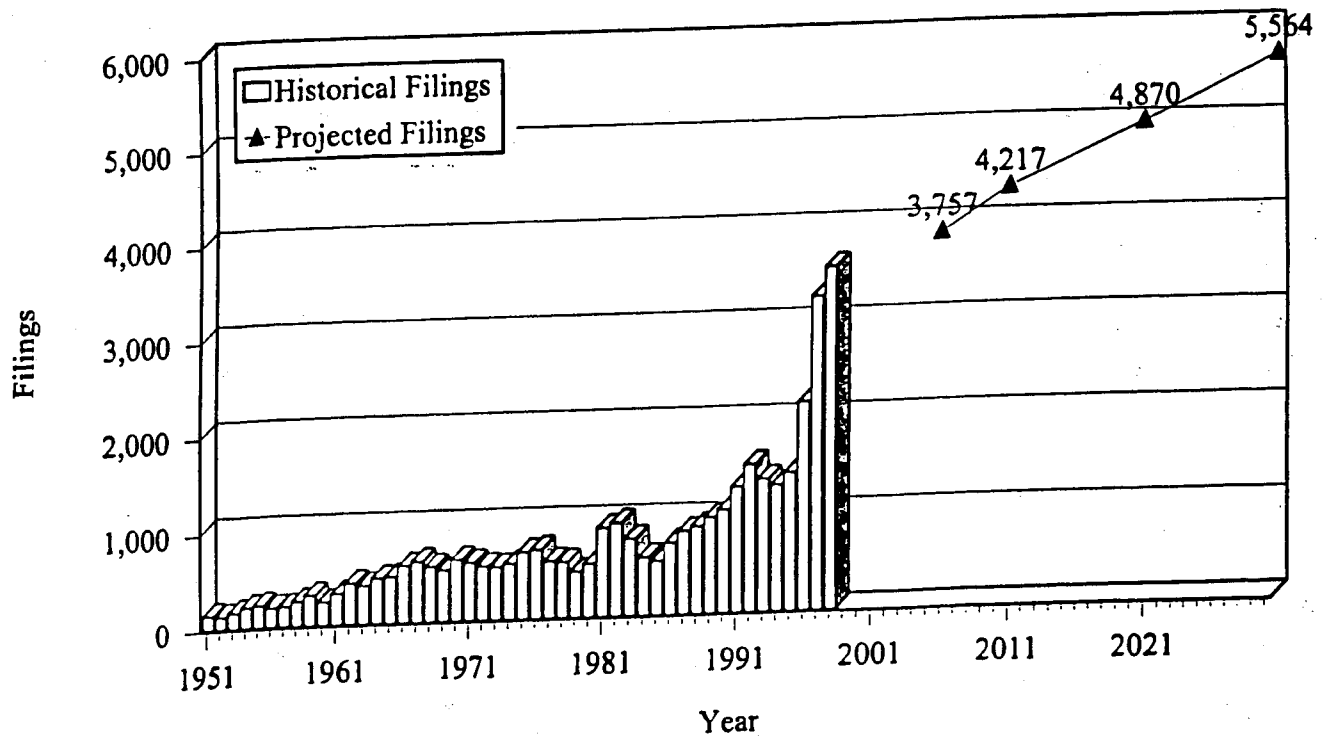
Northern District of West Virginia

Persons Under Supervision



Northern District of West Virginia

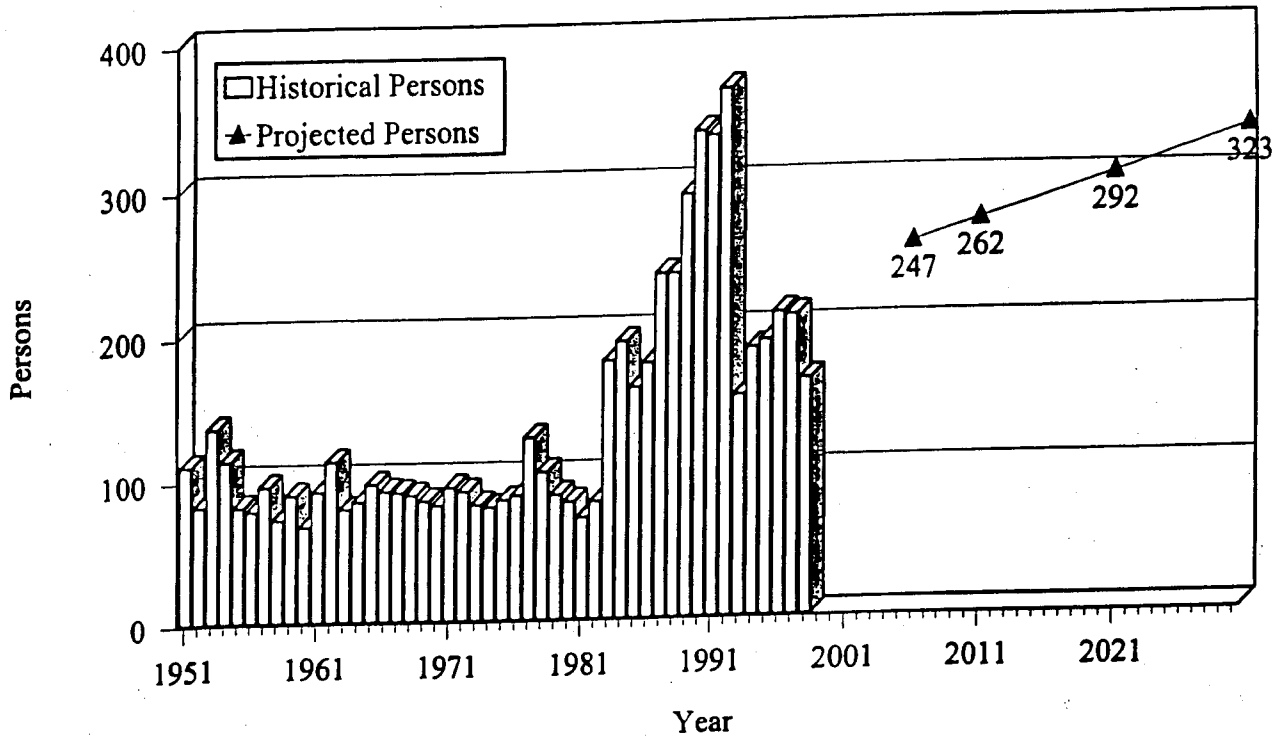
Bankruptcy Filings



Statistical Year Data - October 1 to September 30.

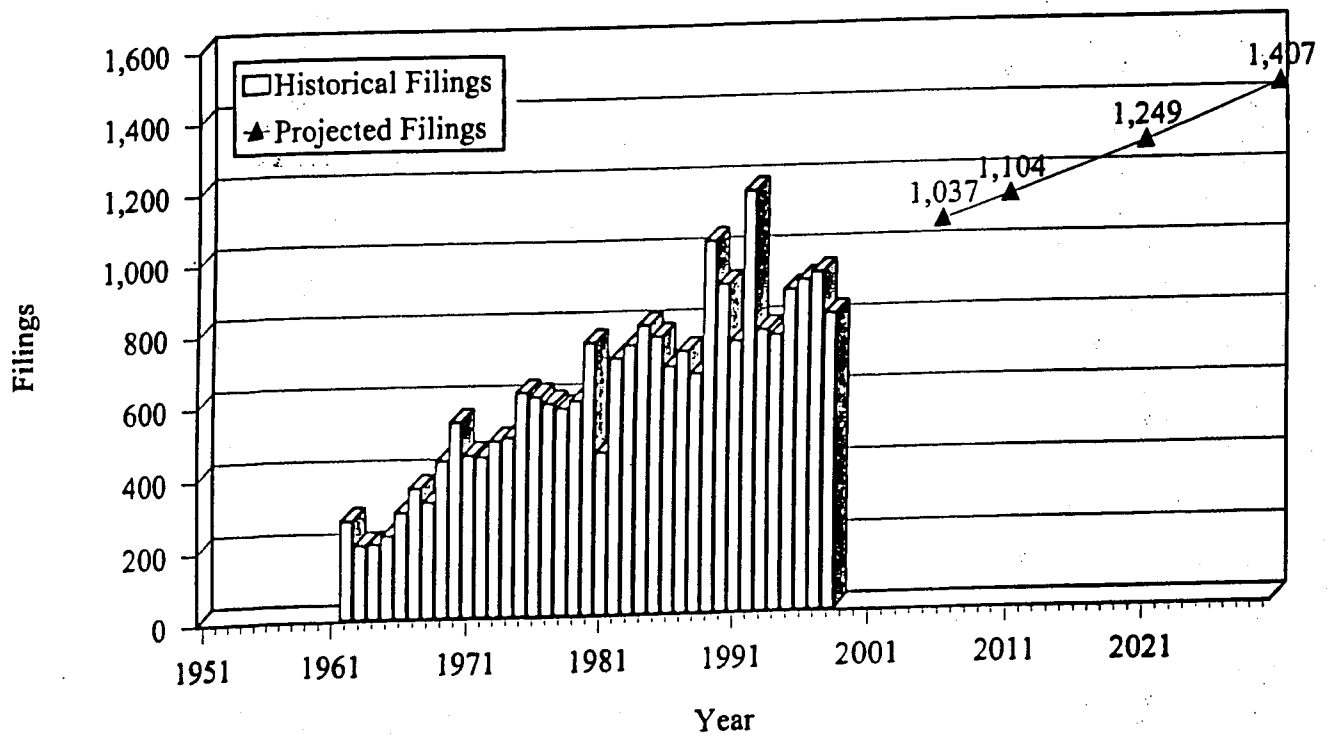
Northern District of West Virginia

Defendants Commenced



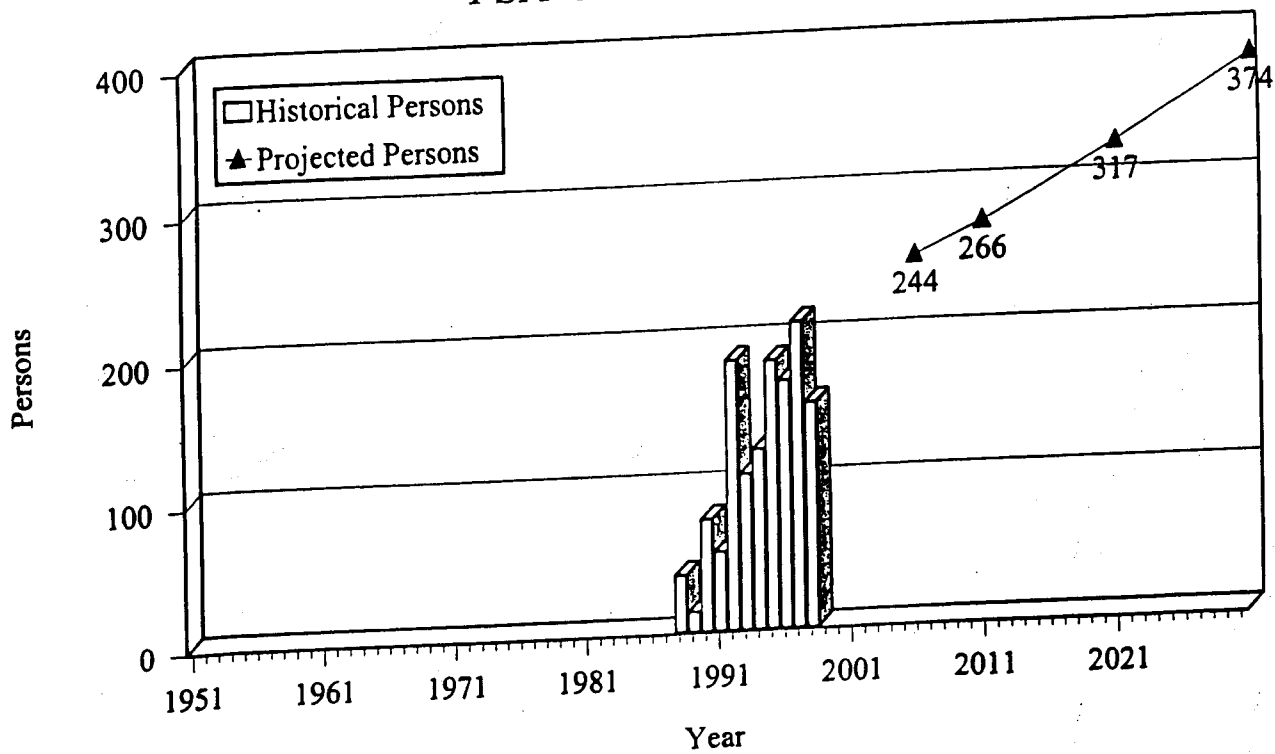
Northern District of West Virginia

Total Weighted Filings



Statistical Year Data - October 1 to September 30.

Northern District of West Virginia PSA Cases Activated



APPENDIX B

JURY DATA

DRIVERS/ VOTER COMPARISON

<u>COUNTY</u>	<u>DRIVERS</u>	<u>VOTERS</u>	<u>INC/DEC</u>
Brooke	17,814	13,873	3,941
Hancock	26,328	19,307	7,021
Marshall	23,532	19,861	3,671
Ohio	35,204	26,417	8,787
Wetzel	<u>14,763</u>	<u>10,349</u>	<u>4,414</u>
Total	117,641	89,807	27,834
Berkeley	48,847	31,915	16,932
Hampshire	13,320	8,276	5,044
Jefferson	28,882	17,868	11,014
Morgan	<u>10,181</u>	<u>7,587</u>	<u>2,594</u>
Total	101,230	65,646	35,584
Barbour	10,503	8,721	1,782
Grant	7,953	6,300	1,653
Hardy	8,477	7,777	700
Mineral	20,376	13,643	6,733
Pendleton	5,738	4,778	960
Pocahontas	6,503	5,448	1,055
Preston	21,042	14,472	6,570
Randolph	20,233	14,274	5,959
Tucker	5,499	5,362	137
Upshur	15,860	11,610	4,250
Webster	<u>6,824</u>	<u>5,096</u>	<u>1,728</u>
Total	129,208	97,481	31,527
Braxton	9,325	7,580	1,745
Calhoun	5,341	4,539	802
Doddridge	4,201	3,902	299
Gilmer	4,522	4,129	393
Harrison	52,102	40,913	11,189
Lewis	13,086	8,623	4,463
Marion	43,246	34,300	8,946
Monongalia	47,720	40,456	7,264
Pleasants	5,173	4,271	902
Ritchie	7,276	5,918	1,358
Taylor	9,828	8,049	1,779
Tyler	<u>6,582</u>	<u>5,415</u>	<u>1,167</u>
Total	208,402	168,113	40,307
Grand Total	556,481	421,047	135,252

NOTE: Of the 1,280,539 licensed drivers in West Virginia 29,884 or approximately 2.3% are under the age of 18. This would reduce the number of licensed drivers eligible for jury service by approximately 12,800.

APPENDIX C

EMPLOYEE SURVEY FORM

LONG-RANGE PLANNING COMMITTEE
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

COURT PERSONNEL SURVEY

As part of its ongoing effort to identify the most significant and crucial issues facing our court system, the Long-Range Planning Committee for the Northern District of West Virginia is asking all court personnel to complete the survey included below. Your experience and perspective makes you uniquely qualified to assist the committee with its work. You need not identify yourself by name, but please indicate your position title (probation officer, deputy clerk, secretary, etc) in the space provided. Please return the survey form to the Clerk's Office in Wheeling by **June 22, 1999**.

Position Title: _____

Please list and briefly describe the three most important issues you believe the judicial system in the Northern District of West Virginia should address to ensure that it effectively and efficiently provides services to the public at least five years into the future. These issues may be structural or procedural—nothing is "off-limits". In formulating your responses you may want to consider questions of access to the courts, the timeliness of proceedings and decision-making, fairness, independence of the judiciary, the role of technology in the courts, and the accountability of the system and system participants.

(1) _____

(2) _____

(3) _____

Please list and briefly describe any changes or solutions you might suggest to address the issues you have identified. (Use additional page(s) if necessary.)

APPENDIX D

JURY SURVEY FORM

JUROR SERVICE EXIT QUESTIONNAIRE

Your opinions and answers to the questions below will help us to improve jury service. All responses are **voluntary** and **confidential**.

1. How would you rate the following factors? (Please answer all.)

	Excellent	Good	Adequate	Poor
A. Initial orientation program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Treatment by court personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Physical comforts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Personal safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Parking facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Eating facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Scheduling of your time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. If you are employed, please answer the following questions.

- | | | |
|---|------------------------------|-----------------------------|
| A. Did you lose income as a result of jury duty? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| B. If yes, how much? (Per day) | \$ _____ | |
| C. Does your employer pay you while you are serving on jury duty? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| D. Did your employer discourage you from serving as a juror? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

3. Did you have expenses associated with serving on jury duty? Please indicate those expenses below. (per day)

Parking	\$ _____	per day
Meals, etc	\$ _____	per day
Public Transportation	\$ _____	per day
Child Care	\$ _____	per day
Other (Please itemize)	\$ _____	per day
_____	\$ _____	per day
_____	\$ _____	per day

4. How many days did you report to the courthouse _____

5. What percent of your time was spent waiting in the courtroom or juror assembly room?

- | | |
|--|--|
| <input type="checkbox"/> Less than 50%
<input type="checkbox"/> Approximately 75% | <input type="checkbox"/> Approximately 50%
<input type="checkbox"/> Almost all of my time was spent waiting |
|--|--|

6. After having served, what is your impression of jury service? (Answer one.)

- The same as before - favorable?
- The same as before - unfavorable?
- More favorable than before?
- Less favorable than before?

7. A. Did jury service result in any hardships for you? Yes No
B. If yes, please discuss briefly.

8. In what ways do you think jury service can be improved? (Please do not discuss specifics of a case.)

The following information is **voluntary**, but your answers will help evaluate the results of the questionnaire.

9. Age 18-20 21-24 24-34 45-54 55-64 65-over

10. Sex: Female Male

11. Employment status: (Mark all that apply.)

- Employed full-time
- Self-employed
- Retired
- Unemployed, not seeking employment
- Employed part-time
- Homemaker
- Student
- Unemployed, seeking employment

12. Education:

- Less than four years of high school
- One to three years of college
- Four years of high school only
- Four years of college or more

Thank you for your cooperation.

Please place in the juror survey collection box or mail to the Clerk's Office in the attached envelope.

APPENDIX E

OVERVIEW OF THE ATTORNEY SURVEY

LONG RANGE PLANNING SURVEY

For the past year the judges of the Northern District Federal Court have been engaged in a long range planning process. The planning committee consists of Chief Judge Frederick P. Stamp, Jr., Judge Irene M. Keeley, Judge W. Craig Broadwater, Senior Judge Robert E. Maxwell, Wally Edgell, Clerk of Court, and Ted Philyaw, Chief Deputy Clerk of Court.

Long-range planning is important for any organization and this is particularly true for the federal judiciary. The judges in the northern district believe that long-range planning is important for this district and further believe that this district is small enough that we are in a good position to achieve the goals and objectives established through a comprehensive planning process.

The committee has determined that our planning process would not be complete without receiving information from members of the bar who practice in our courts. The members of the committee would appreciate it if you would complete the Long Range Planning survey enclosed. It is important for the committee to receive your ideas and suggestions as we move forward with this planning process. The planning committee has already gathered a lot of information to assist us with the development of a long range plan for our district, but the process would not be complete without input from the members of the bar.

Please complete the survey and return it to the clerk's office in Wheeling by **April 14, 2000**. For your convenience a stamped self-addressed envelope is enclosed.

**LONG-RANGE PLANNING COMMITTEE
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

LONG RANGE PLANNING SURVEY

As part of its ongoing effort to identify the most significant and crucial issues facing our court system, the Long-Range Planning Committee for the Northern District of West Virginia is asking attorneys who practice in this district to complete the survey included below. Your experience and perspective makes you uniquely qualified to assist the committee with its work. You need not identify yourself by name, but please indicate the areas of your practice in the district. Please return the survey form to the Clerk's Office in Wheeling by **April 21, 2000**.

Type of Practice (Check all that apply):	Civil	<input type="checkbox"/>
	Criminal	<input type="checkbox"/>
	Administrative Agency Appeals	<input type="checkbox"/>
	Bankruptcy	<input type="checkbox"/>

The following is a list of the significant issues under review by the Long Range Planning Committee. Please indicate which of these issues you believe are the most important for the committee to consider by selecting the **top five** and ranking them by placing a 1 (most important) through 5 (least important of the five) in the space provided to the left of the issue statement:

- _____ The use of alternative dispute resolution mechanisms in the courts.
- _____ Implementation of video conferencing in the district.
- _____ The use of technology in the courts.
- _____ Consistency in practices among the judicial officers.
- _____ Broader, more representative jury panels and better informed jurors.
- _____ Increasing role for the magistrate judges.
- _____ Implementing programs for public education about the courts.
- _____ Provide continuing legal education opportunities for attorneys.
- _____ Conduct Law Day Events at all points of holding court.
- _____ Implement electronic filing of court documents.
- _____ The level of security for the public and court personnel at all locations of holding court.
- _____ Physical, economic, and procedural barriers to access to the courts and special problems facing unrepresented litigants.
- _____ Improving judicial facilities.

**United States District Court
Northern District of West Virginia**

In addition to soliciting your ideas on planning for the future, the judicial officers are also interested in your perceptions of the services provided by the District Court's Offices. Please take a few minutes to complete this short form, letting us know what you think about the services provided by our support staff.

Please indicate your degree of agreement or disagreement using a scale of 1 (strongly disagree) to 5 (strongly agree) with the following statements regarding the U.S. District Clerk's Office, Northern District of West Virginia.

The U. S. District Clerk's Office...	Strongly (Circle Disagree one) Agree					Importance of each to you... (circle one)		
	1	2	3	4	5	High	Medium	Low
1. Provides accurate information on the docket sheets								
2. Enters information on docket sheets in a timely manner								
3. Handles my needs in terms of availability of files								
4. Distributes orders and judgements in a timely manner								
5. Has reasonable waiting time for retrieving case files								
6. Provides satisfactory file copy services								
7. Provides useful information on PACER								
8. Has an efficient and effective phone system								
9. Has a voice mail system that consistently allows me to reach my desired contact								
10. Has staff who provides accurate information								
11. Has staff who have sufficient knowledge to handle general information requests								
12. Responds promptly to search requests								
13. Has staff who demonstrate effective communication skills								
14. Has staff who are consistently courteous								
15. Has staff who are professional in appearance								

Comments: _____

ATTORNEY SURVEY

ISSUES LIST

One hundred and nine attorneys responded to our request to rank the issues under consideration by the Long Range Planning Committee. The top five issues identified by the attorneys are:

1. Broader, more representative jury panels and better informed jurors.
2. The use of alternative dispute resolution mechanisms in the courts.
3. Consistency in practices among judicial officers.
4. Implement electronic filing of court documents.
5. Implementation of video conferencing in the district.

It was very clear that attorneys are very interested in technology and even though electronic filing was ranked fourth it was ranked by a large number of attorneys.

A second important result to report is the number of attorneys who “marked” an issue as important. This result is listed under the “Freq” column on Ranking Results sheet. Using the frequency measure, the top five issues would be:

1. The use of alternative dispute mechanisms in the courts.
2. Implement electronic filing of court documents.
3. The use of technology in the courts.
4. Consistency in practices among judicial officers.
5. Implementation of video conferencing in the district.

The results of the two rankings are very similar, with the jury issue being dropped from the first list and replaced by the use of technology in the courts.

It is clear from reviewing this survey that attorneys are very interested in alternative dispute resolution and technology. Based on these results the long range planning committee should focus on the following six issues:

1. The use of alternative dispute resolution mechanisms in the courts.
2. Implement electronic filing of court documents.
3. Consistency in practices among the judicial officers.
4. The use of technology in the courts.
5. Implementation of video conferencing in the district.
6. Broader, more representative jury panels and better informed jurors.

ATTORNEY SURVEY

RANKING ISSUES

	<u>FREQ</u>	<u>RANK</u>
The use of alternative dispute resolution mechanisms in the courts.	75	2.5
Implementation of video conferencing in the district.	50	2.9
The use of technology in the courts.	67	3.3
Consistency in practices among the judicial officers.	61	2.6
Broader, more representative jury panels and better informed jurors.	44	2.5
Increasing role for the magistrate judges.	25	3.4
Implementing programs for public education about the courts.	22	3.5
Provide continuing legal education opportunities for attorneys.	40	3.7
Conduct Law Day Events at all points of holding court.	5	4.4
Implement electronic filing of court documents.	72	2.8
The level of security for the public and court personnel at all locations of holding court	6	3.2
Physical, economic, and procedural barriers to access to the courts and special problems facing unrepresented litigants.	19	3.1
Improving judicial facilities.	15	3.9

ATTORNEY SURVEY

U. S. District Clerk's Office

One hundred and nine attorneys responded to our survey on the district clerk's office. The office received a very high rating with an average score of 4.30. The highest score was **4.67** for question 15 (Has staff who are professional in appearance) and the lowest score was **3.66** for question 9 (Has a voice mail system that consistently allows me to reach my desired contact).

The issue or question the attorneys answering the survey believed was the most important was question number 4 (Distributes orders and judgements in a timely fashion) and question number 11 (Has staff who have sufficient knowledge to handle general information requests. Attorneys did not feel PACER was an important issue and many attorneys did not answer this issue or noted on the questionnaire that they were not familiar with PACER

APPENDIX F

OVERVIEW OF THE JUDICIAL SCHOLARS PROGRAM

**JUDICIAL SCHOLARS PROGRAM
1999-2000**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
AND
CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA
(FIRST JUDICIAL CIRCUIT)**

INTRODUCTION

In the spring of 1999, judges of the United States District Court for the Northern District of West Virginia and the First Judicial Circuit of West Virginia invited the four principals from the high schools in Ohio County, West Virginia to a meeting to discuss the possibility of conducting an educational program on the courts for high school juniors and seniors. This Judicial Scholars Program would be jointly sponsored by the federal and state courts.

The principals were very receptive to the idea of conducting an educational program for students and recommended that the program not be limited to a one-time event, but instead be a series of programs throughout the academic year. The principals agreed to appoint an academic advisor at each school for the program and these individuals would work with the students and the courts to implement the program. It was also agreed that each school would select no more than twelve students to participate in the program. (The number of participating students totaled 36.) The students selected for the program would be students with a demonstrated interest in government and the law. The principals also agreed that, since the program was open to both juniors and seniors, the program, if successful, would be offered every other year.

PLANNING

Detailed planning of a program of this nature is important. It is critical to have the support of the principals of each of the schools and to have the principals appoint an academic advisor to assist in the planning and coordination of the program. A planning meeting was held in the spring of 1999 to plan the program for the 1999-2000 academic year.

Issues that need to be considered in such a program are the school calendars, transportation, the number of students, how the students are selected, the materials that will be provided to the students and the content of the program. Ideally, the planning for a program of this nature would occur in the spring with the students to be selected early in the fall.

THE PROGRAM

The program was designed through a joint effort of the academic advisors and court personnel, including final approval of the program by the judges. It was determined that the Judicial Scholars Program to be held in Wheeling, Ohio County, West Virginia would consist of five sessions.

The first session was held in the United States District Courtroom in Wheeling and consisted of an overview of the state and federal court systems, an analysis of a typical criminal case, review of the grand jury system, and a brief discussion of the tragedy at Columbus University which formed the basis of the State of New Columbia v. Chris Archer, a fictional case dealing with a homicide at a University arising out of a fraternity hazing which was used for the mock trial conducted in the last session of the program. Melvin W. Kahle, Jr., then Prosecuting Attorney of Ohio County, and Sam G. Nazzaro, Assistant United States Attorney, spoke on the criminal justice system. United States District Court Judge Frederick P. Stamp, Jr. and Circuit Court Judge Martin J. Gaughan spoke on the judicial system.

The second session was also conducted in the United States District Courtroom and centered around the Naturalization Ceremony conducted by United States District Judge Stamp. Prior to the Naturalization Ceremony, the students were given an overview of how a person becomes a naturalized citizen by a representative of the Immigration and Naturalization Service. Congressman Alan B. Mollohan spoke at this ceremony. The students also watched the initial appearance and arraignment in the magistrate court of Chris Archer, the defendant in State of New Columbia v. Chris Archer. United States Magistrate Judge James E. Seibert conducted the two proceedings and then discussed each of these with the students. These two proceedings were based on the facts that were used in the mock trial conducted during the last session.

The third session took place at the Ohio County Courthouse in Wheeling. Presentations were made by Family Law Masters Joyce D. Chernenko and William Sinclair, dealing with domestic relations. Judge Gaughan of the First Judicial Circuit reviewed a criminal case, State of West Virginia v. Poling, that was pending before the West Virginia Supreme Court of Appeals, and which would be the subject of the fourth session of the program. There were also presentations on careers in the law presented by Dean John W. Fisher, II of the West Virginia University College of Law and Gary Edgell, Superintendent of the West Virginia State Police. Professor Michael Yura, Coordinator of the Department of Forensic Identification at West Virginia University, spoke on DNA evidence and related topics and Jeff R. Givens, the Chief Program Officer for the United States District Court for the Northern District of

West Virginia spoke on the concepts of probation, parole and supervised release.

The fourth session was held in Clarksburg, West Virginia. The students participating in the Judicial Scholars Program were invited to attend a student program sponsored by the West Virginia Supreme Court of Appeals. The LAWS Program (Legal Advancement for West Virginia Students) provides students with the opportunity to study a case pending before the West Virginia Supreme Court of Appeals and then to attend the oral arguments before the Supreme Court. The students observed the oral arguments in an actual criminal case pending before the Supreme Court, attended a luncheon with the Justices of the Supreme Court of Appeals and then had the opportunity to question the attorneys who had argued the case before the court earlier that day.

The fifth session was held in the United States District Court in Wheeling. The students served as jurors as the prosecution and defense lawyers tried the case of State of New Columbia v. Chris Archer. The lawyers trying the case were Wheeling attorneys, Patrick S. Cassidy, James F. Companion, Lester C. Hess, Jr. and Landers P. Bonenberger, each of whom are Fellows of the American College of Trial Lawyers. Court personnel served as witnesses in the trial.

Each of the sessions lasted approximately three hours. The trip to Clarksburg to observe the West Virginia Supreme Court of Appeals took the entire school day. Scheduling the program and time away from school was not a major problem since this was planned early in the school year and was coordinated with the schools' calendars. One of the participating schools provided its bus for transportation.

The Wheeling schools participating in the Judicial Scholars Program were Wheeling Park High School, The Linsly School, Central Catholic High School and Mt. de Chantal Visitation Academy.

EVALUATION

At the final session of the Judicial Scholars Program, the students were given an evaluation form to complete in order to provide court personnel and teachers with the students' reaction to the Judicial Scholars Program. The students gave the program very high ratings. Their favorite part of the program was the mock trial conducted at the last session. They were nearly unanimous in their comments relative to the type of sessions that should be conducted. Students seem to favor the programs in which they participated or interacted with the court or the speaker, as opposed to solely lecture programs.

CONCLUSIONS

The Judicial Scholars Program is an excellent way for the state and federal judiciary, working together, to involve students in acquiring a better understanding of the American judicial system. Having multiple sessions throughout the academic year proved to be a good idea so that the students could be exposed to many aspects of the court system over the school year. Based upon the first year of experience, each session should last no more than three hours (unless there is a special program such as the LAWS Program which requires travel), each session should have a component that allows the students to participate, and any lectures should be relatively short and given as background to the particular session they are attending. Advance planning for a program of this nature is essential. Based upon the evaluations of the students, this program was a success and should not only be continued at the Wheeling point of holding court, but should be considered for expansion to Clarksburg, Elkins, and Martinsburg, the other three points of holding court in the United States District Court for the Northern District of West Virginia.

Anyone desiring further information dealing with the Judicial Scholars Program may contact Chief Judge Frederick P. Stamp, Jr., United States District Court for the Northern District of West Virginia, P.O. Box 791, Wheeling, West Virginia 26003 (304/233-1120) or Ted Philyaw, Chief Deputy Clerk, United States District Court for the Northern District of West Virginia, P.O. Box 471, Wheeling, West Virginia 26003 (304/232-0011).

APPENDIX G

REPORT OF THE TECHNOLOGY COMMITTEE

REPORT TO THE LONG RANGE PLANNING COMMITTEE

1. There needs to be further coordination and sharing of resources among the court units in the Northern District.
2. A list of issues that affect all the court units needs to be identified and a plan developed to address these issues in a unified manner.
3. A coordinating committee consisting of the unit executives and the systems managers needs to be established to prioritize needs and coordinate efforts.
4. Training of court personnel is a significant issue and should be a high priority for the district.
5. Efforts should be made to coordinate our efforts with the southern district. There are areas, such as videoconferencing, where we can share resources.
6. All the budgeting and spending for technology should go through the coordinating committee.
7. Priorities for implementation of technology will be as follows:
 - Videoconferencing (District, Bankruptcy Court, and Probation)
 - Imaging of court records, electronic filing and public access to records (Bankruptcy Court will implement first to be followed by District Court)
 - Hi tech courtrooms (Martinsburg and Wheeling)
 - Court reporter technology
 - Probation
 - PACTS-ECM
 - Remote supervision/electronic monitoring
 - NCIC 2000
 - Voice recognition/mobile dictation
 - BOP Sentry Access

Administrative Office Initiatives

The subcommittee discussed the impact of the Administrative Office mandated programs that had to be implemented at the local level. Five Administrative Office initiatives were discussed in some detail. These included:

- ‘ Case management/electronic case files
- ‘ Financial Accounting for Tomorrow (FAST)
- ‘ Jury Management Software
- ‘ CJA Payment System
- ‘ Personnel Management Software

Three of these initiatives will impact all three court units—FAST, personnel software, and case management/electronic files (this will have limited impact on probation). The jury management system and the CJA payment system will only impact the district court staff. Any administrative office systems that are implemented at the local level take additional resources from the local staff and usually require the purchase of additional hardware. Administrative office systems, while not always mandated, should be implemented at the local level to stay current with statistical reporting requirements.

Technology Issues

The technology issues listed on the agenda were discussed in some detail by the systems managers from each of the court units. The first issue discussed was videoconferencing. Bankruptcy has already implemented videoconferencing on a limited basis. Using savings from the phone system and grant money that is anticipated from the Administrative Office, videoconferencing should be available throughout the district by early fall.

Videoconferencing will be accomplished using ISDN lines in lieu of ATM technology because of a lack of support of ATM by the Administrative Office. The committee discussed ways that we could have a greater access to the Administrative Office and policy development in general. Judge Keeley suggested that we should make an effort to get our court personnel on as many committees as possible. Specifically, she suggested that we should make an effort to get Judge Broadwater on as many committees as possible given his proximity to Washington.

A general discussion followed on imaging of court records, electronic filing and public access to court records which are all related. Bankruptcy has implemented a system of scanning documents and has a sample on their web page. Implementation of scanning of court records in the district court will follow the implementation of video conferencing and the district court can learn from the installation in bankruptcy court.

8. Resources will have to be identified to implement Administrative Office initiatives. These include:

- ‘ Case Management/Electronic Case Files
- ‘ Financial Accounting for Tomorrow (FAST)
- ‘ Jury Management Software
- ‘ CJA Payment System
- ‘ Personnel System

It is important for the Northern District to increase our visibility with the Administrative Office and the 4th Circuit so that we can obtain additional resources. It is also important to have a presence on as many committees as possible so that we understand how policies are being developed and have an impact on these policies.