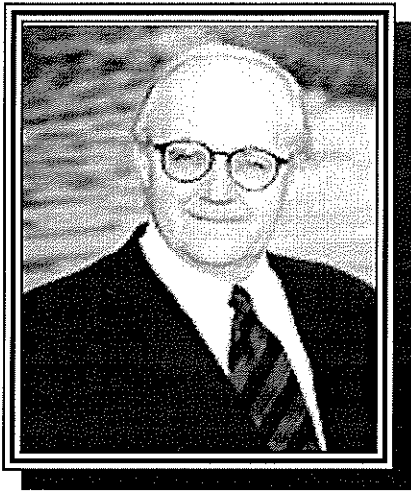




2004 *Annual Report*

PRESENTED TO
Sixth Circuit Judicial Conference
May 5-8, 2004
Louisville, Kentucky

Danny J. Boggs
Chief Judge



A Message From the Chief Judge

Welcome

I take great pleasure in welcoming the judges, life members, delegates and open conference attendees to Louisville for the 64th Conference of the Sixth Judicial Circuit. It has been 19 years since the Conference last met in Louisville, and my fellow judges and members of the Louisville bar have looked forward with great anticipation to the return of the Conference to Louisville. We have received generous support from the Louisville bar and the community at large to make your time here especially enjoyable.

This is our circuit's third open conference since the Court of Appeals adopted Rule 205 in 2000. That rule calls for the regular rotation between conferences that are open to all attorneys admitted to practice in the federal courts of our circuit and judges-only conferences. Our experience with the

open conferences in Cincinnati in 2000 and in Cleveland in 2002 achieved the Court's goals of having high quality programs that attracted a large number of federal practitioners who had not previously experienced a circuit judicial conference.

The success of our new format is due in large measure to the work of our Standing Committee on Conference Planning, currently chaired by District Judge James G. Carr of the Northern District of Ohio. Judge Carr and his committee of judges and lawyers have provided us with another outstanding substantive program.

A special note of appreciation is due to the Life Member Organization of the Conference, chaired by Rick Kerger of Toledo, Ohio. In addition to providing the hospitality at the Life Member Reception at the Speed Art Museum, the Life Members have undertaken responsibility for several aspects of the substantive

conference program, including the organization of the Saturday morning break-out sessions, and the arrangements to obtain Sander Vanocur as our banquet speaker.

I am confident that each of you will find the conference to be professionally rewarding as well as enjoyable.

Overview

The principal issue affecting the federal judiciary this year is the budget. Through the leadership of Chief Judge John G. Heyburn II of the Western District of Kentucky, who chairs the Budget Committee of the Judicial Conference of the United States and who presents and defends the judiciary's budget requests to Congress, the federal courts have been well funded for the last several years. The efforts of Judge Heyburn and the officials of the Administrative Office of the United States Courts resulted in a 4.7 percent increase in the appropriation for the judiciary for fiscal year 2004, a significantly greater increase than that received by many government departments and agencies. Unfortunately, however, the judiciary required a 7 percent increase over last year just to maintain current services.

The budget constraints will have an impact on the delivery of court services as some court units throughout the country and within the Sixth Circuit will be forced to reduce staff costs through measures such as hiring freezes, furloughs and reductions in force.

Workload

Some of the highlights of the workload of the circuit, district and bankruptcy courts in the Sixth Circuit in the past year are highlighted below. More detailed information is contained elsewhere in this report.

Court of Appeals

- During the twelve month period ending December 31, 2003, new filings increased by 9.7 percent to 5,044 cases, with a significant part of that increase due to a growth in immigration and deportation related proceedings.
- During the same period, appeals terminated increased by 2.3 percent to 4,693 cases.
- Pending cases increased by 8.7 percent to 4,385 cases.

Challenges

District Courts

- Circuit-wide, civil filings decreased by 1.7 percent in 2003.
- Civil terminations presented a mixed picture in 2003. There were relatively small decreases in five of the districts, while three districts recorded modest increases. The Northern District of Ohio recorded a 288 percent increase in terminations due to the disposition of asbestos cases.
- Criminal filings decreased by 2.2 percent during 2003. Criminal terminations increased by 6.2 percent.

Bankruptcy Courts

- Bankruptcy filings again recorded a double digit increase and reached nearly 250,000 new cases in 2003. All districts in the circuit contributed to this increase.
- Bankruptcy terminations increased by 10 percent circuit-wide, and the number of pending bankruptcy cases also increased by 7 percent.

Circuit Vacancies. The four vacancies that currently exist on the Court of Appeals represent a loss of one-fourth of the Court's authorized strength. One of those vacancies now is nine years old; another is over five years old. The other two vacancies are four years old and two and a half years old, respectively. All have been classified as judicial emergencies by the Judicial Conference of the United States. Although the President has submitted nominations for all of these vacancies, they remain stalled in the Senate Judiciary Committee, and it appears likely that the Senate will fail to act on any of these vacancies until after the next election.

The Court of Appeals is extremely fortunate to have the services of ten senior judges who continue to help shoulder the load for the Sixth Circuit. In addition, the district judges of the Sixth Circuit, along with a number of visiting judges from outside our circuit, have volunteered to help out in our time of need. Despite the generous assistance that we received, there were ten fewer panels in 2003 than called for by the court's hearing schedule because we lacked sufficient judges to make up the panels. During this time, the median time from the filing of the notice of appeal to

final disposition in our court increased to 16.8 months, the longest duration of the twelve circuit courts. The court will make up some of the lost ground in 2004 through the scheduling of extra panels, but our efforts to schedule oral arguments more promptly will be thwarted unless there is prompt action on the circuit court vacancies.

Judicial Salaries. The cost of living increase that took effect in January of this year, as welcome as it was, does not eliminate the necessity for continued work to insure adequate compensation for the judiciary. As the Chief Justice recognized in his Year End Report on the Federal Judiciary, Congress failed last year to act upon the recommendations of the National Commission on the Public Service (Volcker Commission) despite the widespread support of the American Bar Association, the Federal Bar Association, numerous law school deans and others in the private sector. The Volcker Commission and other studies have demonstrated beyond debate that the real income of federal judges has declined over the last 30 years, while the real compensation in other branches of the legal profession, particularly the private practice of law and the salaries of law school deans and professors, has increased

substantially. It is an issue that will not go away, and will require renewed efforts in coming years.

In Conclusion

Again, I welcome each of you to this Conference and thank the many judges and lawyers who have worked so hard to make this a great Conference.



JUDICIAL CONFERENCE of the UNITED STATES

The Judicial Conference of the United States is the chief policymaking body for the federal judiciary. Established in 1922 as the Conference of Senior Circuit Judges, the Conference oversees the general performance of the federal judiciary and makes various policy recommendations for changes in policies or procedures of the courts. The Conference also performs a number of responsibilities which have a direct impact on the day-to-day operations of the judiciary. Some of those responsibilities include:

- Formulation of the budget for the judicial branch and presentation of the budget to the Congress.
- S u b m i s s i o n o f recommendations to Congress for additional judgeships.
- Determination of the number, location and salary of magistrates.
- Submission to the Supreme Court, subject to Congressional approval, of amendments to the Federal Rules of Procedure and Evidence.

The Judicial Conference meets each year in March and September. The Conference is composed of the Chief Justice, the Chief Judge of each of the twelve geographic circuits, the Chief Judge of the Federal Circuit, the Chief Judge of the Court of International Trade, and a district judge representative from each of the twelve circuits. The district judge representative is elected by vote of the judges of the circuit he or she represents and usually serves for a term of three years. Chief Judge Lawrence P. Zatkoff of the Eastern District of Michigan is the current representative of the Sixth Circuit.

The spring and fall meetings of the Conference are only a small part of the total work of the Conference. Much of the work of the Conference is done by standing and ad hoc committees. Membership on the committees is by appointment by the Chief Justice and is not limited to members of the Conference. In addition to the regular committees of the Conference, a seven-member Executive Committee oversees the assignment of matters to the substantive committees, sets the agenda for the Judicial Conference sessions, and acts for the Conference in between formal sessions. In the current times of fiscal austerity, perhaps the most important responsibility of the Executive Committee is to establish the spending plan which

determines how the funds appropriated by Congress are spent within the judiciary.

The Sixth Circuit continues to be well represented by the many judges who serve on the committees of the Judicial Conference of the United States and other special assignments for the improvement of justice. Several judges in the Sixth Circuit serve in key administrative positions within the judiciary's Judicial Conference committee structure. Chief Judge John G. Heyburn II of the Western District of Kentucky serves as Chair of the Budget Committee of the Judicial Conference which is responsible for presenting and defending the judiciary's annual budget requests to Congress. The complete roster of conference members from the Sixth Circuit is as follows:

Hon. Paul D. Borman
Eastern District of Michigan
*Committee on Court Administration
and Case Management*

Hon. Jennifer B. Coffman
Eastern and Western Districts
of Kentucky
Committee on Judicial Resources

Hon. R. Guy Cole
Sixth Circuit
Advisory Committee on Bankruptcy Rules

Hon. Robert L. Echols
Middle District of Tennessee
Committee on the Judicial Branch

Hon. Richard Alan Enslin
Western District of Michigan
Committee on Criminal Law

Hon. Julia Smith Gibbons
Sixth Circuit
Committee on the Budget

Hon. John G. Heyburn, II
Western District of Kentucky
Chair, Committee on the Budget

Hon. Joseph M. Hood
Eastern District of Kentucky
Committee on Financial Disclosure

Hon. Damon J. Keith
Sixth Circuit
Committee on the Judicial Branch

Hon. David W. McKeague
Western District of Michigan
Committee on Defender Services

Hon. James D. Moyer
Western District of Kentucky
Committee on Federal-State Jurisdiction

Hon. Alan E. Norris
Sixth Circuit
Committee on the Administrative Office

Hon. George C. Paine II
Middle District of Tennessee
*Committee on International Judicial
Relations*

Hon. Dan A. Polster
Northern District of Ohio
*Committee on the Administration of the
Magistrate Judge System*

Hon. Thomas B. Russell
Western District of Kentucky
Advisory Committee on Civil Rules

Hon. David T. Stosberg
Western District of Kentucky
*Committee on the Administration
of the Bankruptcy System*

Hon. Edmund A. Sargus, Jr.
Southern District of Ohio
Committee on Security and Facilities

Hon. Gordon J. Quist
Western District of Michigan
Committee on the Codes of Conduct

JUDICIAL COUNCIL of the SIXTH CIRCUIT

The Judicial Council of the Sixth Circuit is established by 28 U.S.C. § 332 to make "all necessary orders for the effective and expeditious administration of justice within its circuit." In addition to its responsibility for making administrative policy decisions within the circuit, the council plays a major role in formulating the policies established by the Judicial Conference as well as in executing those policies. For example, the council reviews any proposals regarding additional judgeship positions and submits recommendations to the Conference. The council also reviews a variety of matters involving the management of judicial resources for compliance with Conference established standards such as

the plans for jury selection, criminal representation under the Criminal Justice Act, speedy trial plans, and the management of court reporters. The council also formulates circuit policy in a wide range of matters such as the allocation of personnel and approval of space and facilities projects, and it is authorized to issue orders for the division of business and the assignment of cases within a district court if the district judges are unable to agree. Section 332(d)(2) requires all judicial officers and employees to carry into effect all orders of the judicial council. Failure to abide by council orders could lead to civil contempt proceedings.

The rules governing membership of the council provide that there will be 19 members of the council consisting of the chief circuit judge, nine circuit judges, and the chief judges of the nine districts.

Council Membership

Chief Circuit Judge Danny J. Boggs,
Chair
Circuit Judge Boyce F. Martin, Jr.
Circuit Judge Alice M. Batchelder
Circuit Judge Martha Craig Daughtrey
Circuit Judge Karen Nelson Moore
Circuit Judge R. Guy Cole
Circuit Judge Eric L. Clay
Circuit Judge Ronald L. Gilman
Circuit Judge Julia S. Gibbons
Circuit Judge Jeffrey S. Sutton
Chief District Judge Karl S. Forester
Eastern District of Kentucky

Chief District Judge John G. Heyburn II
Western District of Kentucky
Chief District Judge Lawrence P. Zatkoff
Eastern District of Michigan
Chief District Judge Robert Holmes Bell
Western District of Michigan
Chief District Judge Paul R. Matia
Northern District of Ohio
Chief District Judge James L. Graham
Southern District of Ohio
Chief District Judge R. Allan Edgar
Eastern District of Tennessee
Chief District Judge Robert L. Echols
Middle District of Tennessee
Chief District Judge James D. Todd
Western District of Tennessee

Non-voting Members:

Bankruptcy Judge David T. Stosberg
Western District of Kentucky

Magistrate Judge Peggy P. Patterson
Eastern District of Kentucky

Investigating Committee

Chief Circuit Judge Danny J. Boggs,
Chair
Circuit Judge Martha C. Daughtrey
Circuit Judge Eric L. Clay
Circuit Judge John M. Rogers
Circuit Judge Jeffrey S. Sutton
Chief District Judge Robert Holmes
Bell, W.D. Michigan
District Judge Lesley Wells, N.D. Ohio
District Judge Joseph M. Hood, E.D.
Kentucky
District Judge Curtis L. Collier, E.D.
Tennessee

The Council meets in regular session two to three times each year, including a meeting in conjunction with the circuit judicial conference. Special meetings are held as necessary, and some business of the Council is transacted by mail votes, when appropriate. The circuit executive provides the staff and administrative support for the Council.

The allocation of judicial resources is an important council function. The council reviews and makes recommendations to the Judicial Conference of the United States and the Congress on the creation of new circuit, district, bankruptcy and magistrate judgeships. The council also monitors the pending motions, bench trials under advisement, civil cases awaiting trial and the disposition of vouchers pending for more than 90 days filed by counsel and experts appointed under the Criminal Justice Act.

**JUDICIAL CONDUCT
and
DISCIPLINE**

The Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, as amended by the Judicial Improvements Act of 2002, Pub. L. No. 107-203, (28 U.S.C. § 351) establishes a procedure whereby any person may file a complaint of misconduct or disability against a circuit, district, bankruptcy or magistrate judge of the circuit. A complaint is submitted first to

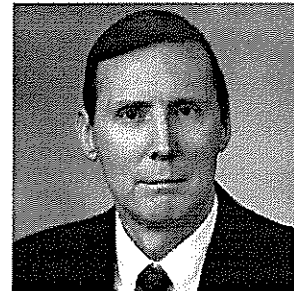
the Chief Judge of the Circuit, who may dismiss a complaint which is directly related to the merits of a decision or procedural ruling of the judge complained against or which is found to be frivolous. The Chief Judge also may close a complaint if appropriate corrective action has been taken.

If the Chief Judge cannot dispose of the complaint, it must be certified to the Special Investigating Committee of the Council. The Investigating Committee must conduct an investigation and prepare a report with recommendations for appropriate action by the Council. Actions which may be taken by the Council, if necessary, include certification of disability, request that a judge voluntarily retire, temporary suspension of case assignments, or public or private censure or reprimand.

The Sixth Circuit Judicial Council has adopted Rules Governing Complaints of Judicial Misconduct or Disability, which were most recently amended in 1992. Copies of the rules are available from the circuit executive's office or from any clerk's office in the Sixth Circuit.



OFFICE of the CIRCUIT EXECUTIVE



*James A. Higgins
Circuit Executive*

The Office of the Circuit Executive occupies a somewhat unique position within the administrative structure of the Sixth Circuit. Although appointed by the Sixth Circuit Judicial Council, the Circuit Executive is administratively attached to the Court of Appeals and performs a variety of administrative responsibilities relating to all of the courts of the circuit.

In addition to the Circuit Executive, the office is staffed by four Assistant Circuit Executives. Kay Lockett is the Assistant Circuit Executive for Program Management, with primary responsibility for staff support to the Chief Judge in the assignment of panels for the Court of Appeals and support for the Judicial Council and its committees. She also provides staff support for Bankruptcy and Federal Public Defender Merit Selection Panels. Jack Rose serves as Assistant Circuit Executive for Administration with primary

responsibility for procurement and budget matters and oversight over the space and facilities functions. William Eggemeier is Assistant Circuit Executive for Automation. He heads up the consolidated automation support unit for the Court of Appeals, which operates the case management system, provides personal computer support and training, and administration of the data communications network. Mr. Eggemeier also oversees the circuit-wide implementation of the data network and telecommunications programs and convenes the automation users from the district and bankruptcy courts throughout the circuit. Barbara Wieliczka is Assistant Circuit Executive for Space and Facilities. Ms. Wieliczka is responsible for the management of building renovation projects for the Court of Appeals, for providing technical advice and assistance in space planning to the district and bankruptcy courts in this circuit, and for providing staff assistance to the Sixth Circuit Judicial Council on space matters requiring approval, recommendation, or oversight.

For the Court of Appeals, the Office of the Circuit Executive exercises administrative control over all non-judicial functions of the court. The Circuit Executive serves as chief of staff of the Court of Appeals senior staff, and his office administers the budget, personnel, procurement and facilities management policies for the Court of Appeals.

The Office of the Circuit Executive also provides administrative staff support to the Chief Judge of the Circuit and to other circuit-wide activities such as the Sixth Circuit Judicial Conference. Included is assistance with the liaison with other federal courts, state courts and various departments and agencies of the government, and assistance with the intercircuit and intracircuit designation and assignments of circuit, district and bankruptcy judges.



Judicial Personnel in the Sixth Circuit

United States District Courts

Death

Joseph P. Kinneary. The Honorable Joseph P. Kinneary, retired Judge of the United States District Court for the Southern District of Ohio, died on February 14, 2003 at the age of 97. He served on the district court for 35 years, from his appointment in 1966 until his full retirement in 2001. Judge Kinneary was a graduate of Notre Dame University and the University of Cincinnati College of Law. He was an Army veteran having served from 1942 to 1946 when he was discharged with the rank of Captain. He twice served as Assistant Attorney General of Ohio. At the time of his appointment to the District Court, he was serving his second term as United States Attorney for the Southern District of Ohio. He served as Chief Judge of the District from March 2, 1973 to September 8, 1975. Judge Kinneary took senior status on December 31, 1986, but continued to take a 100 percent draw for the criminal docket and an 80 percent draw for the civil docket until his retirement on August 31, 2001.

Senior Status

Thomas Gray Hull. The Honorable Thomas Gray Hull, United States District Judge for the Eastern District of Tennessee, assumed senior status on the 1st day of October, 2002. A veteran of World War II, he served in the United States Army in the Phillipines and as part of the first American occupation forces landing in Sabo, Japan on October 1, 1945. Following his discharge, Judge Hull attended Tusculum College and the University of Tennessee Law School. Following graduation from law school, he practiced law in Greeneville; served in the Tennessee legislature; served as circuit judge for the 20th Judicial Circuit of Tennessee; and legal counsel to Tennessee Governor Lamar Alexander. On November 14, 1983, Judge Hull was appointed to the United States District Court for the Eastern District of Tennessee. For six months during 1984 he was the only judge sitting in the Eastern District of Tennessee. He became Chief Judge on November 23, 1984 and served until November 22, 1991. Judge Hull continues to render valuable service to the Court.

Retirements

Douglas W. Hillman. The Honorable Douglas W. Hillman, United States District Judge for the Western District of Michigan, retired on October 1, 2002. He was appointed to the bench on September 26, 1979, and served the District as its Chief Judge from 1986 to 1991 when he assumed senior status. Judge Hillman's undergraduate studies at the University of Michigan were interrupted by World War II. In 1942 he joined the Army Air Corps and became a B-24 Liberator bomber pilot who flew 48 bombing missions over occupied Europe and Nazi Germany, for which he received the Distinguished Flying Cross and an Air Medal. Following the war Judge Hillman returned to the University of Michigan and received his B.A. in 1946 and his LL.B. in 1948. After passing the bar he practiced law for 31 years until his appointment to the bench in 1979. Judge Hillman served on the Committee on the Administration of the Magistrate Judge System of the Judicial Conference of the United States and as Chairman of the Standing Committee on the Sixth Circuit Judicial Conference. He is the recipient of many awards including the ACLU Annual Civil Liberties Award and the Champion of Justice Award by the State

Bar of Michigan. Judge Hillman is greatly missed by his colleagues and by those throughout the Sixth Circuit who knew him.

James H. Allen, Sr. The Honorable James H. Allen, Sr., United States Magistrate Judge for the Western District of Tennessee at Memphis, retired on March 15, 2003. He served three 8-year terms as magistrate. Judge Allen is a graduate of Memphis State University and Tulane University School of Law which he attended on a full academic scholarship. Prior to his appointment to the bench he was in private practice; and from 1969 to 1979, he served as Assistant District Attorney in Memphis. Judge Allen has lectured at a Federal Practice Seminar for the Federal Bar Association and on criminal law for the Shelby County Sheriff's Office. He is a member of the National Council of U.S. Magistrates and the Supreme Court Historical Society.

Jack Sherman, Jr. The Honorable Jack Sherman, Jr., United States Magistrate Judge for the Southern District of Ohio at Cincinnati, retired on April 4, 2003. His retirement brings to a close his fourteen years as a United States Magistrate having assumed his duties on April 1, 1989. Judge Sherman has had a

long career in public service as a school teacher, law school professor, assistant solicitor and assistant prosecutor of the City of Cincinnati, assistant attorney general for the State of Ohio; and as Judge of the Hamilton County, Ohio Court of Common Pleas. He is a member of the Federal, American and Ohio State Bar Associations. Judge Sherman has served as president of both the Cincinnati Bar Association and the Cincinnati Chapter of the Federal Bar Association. He is a member of the Board of Trustees of Xavier, Ohio University and The Murray and Agnes Seanson Good Government Foundation, and is a mentor in the Cincinnati, Ohio Youth Collaborative.

Jack B. Streepy. The Honorable Jack B. Streepy retired on February 29, 2004 after 31 years of service as United States Magistrate Judge for the Northern District of Ohio. Judge Streepy received his B.S. Degree from Purdue University and his J.D. Degree from the University of Michigan Law School. Prior to his appointment as magistrate, he served as Assistant United States Attorney and Chief Assistant United States Attorney. Judge Streepy is a member of the Federal, Ohio State and Cuyahoga County Bar Associations; American Judicature

Society and the National Council of U.S. Magistrates.

Thomas A. Carlson. The Honorable Thomas A. Carlson resigned as United States Magistrate Judge for the Eastern District of Michigan at Detroit on October 3, 2003 after 24 years of service to the District. Judge Carlson received his B.A. from the University of Notre Dame and his J.D. from the University of Michigan Law School. Prior to his appointment as magistrate, he was in private practice, served as Commissioner of the Michigan Supreme Court, and as Assistant Attorney General for the State of Michigan.

United States Bankruptcy Court

Retirement

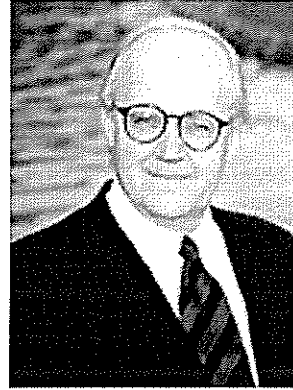
William T. Bodoh. The Honorable William T. Bodoh, Chief Judge of the United States Bankruptcy Court for the Northern District of Ohio, retired on January 4, 2004. He was one of the first bankruptcy judges in the Sixth Circuit appointed under the Bankruptcy Amendments and Federal Judgeship Act of 1984 having been appointed on February 12, 1985. Judge Bodoh was appointed to a second 14-year term in 1999 and became

Chief Judge in 2001. He is a graduate of Ohio University and the Ohio State University College of Law. Following his graduation from law school, Judge Bodoh twice served as Assistant Attorney General of Ohio; as Assistant Operations Counsel of Capital Finance Corporation; and as Corporation Counsel for East Ohio Gas Company. At the time of his appointment, he was a partner in the Youngstown law firm of Manchester, Bennett, Powers & Ullman. He is a Fellow of the American College of Bankruptcy; and a member of the National Conference of Bankruptcy Judges, and the American Bankruptcy Institute.



*United States Court of Appeals
for the Sixth Circuit*

Elevation



*Hon. Danny J. Boggs
Chief Circuit Judge*

Danny J. Boggs. The Honorable Danny J. Boggs became chief judge of the United States Court of Appeals for the Sixth Circuit on October 1, 2003. He succeeded the Honorable Boyce F. Martin, Jr. whose seven-year term as chief judge expired on September 30, 2003. Judge Boggs has served on the Court for eighteen years, having been appointed in 1986. He came to the Court from the United States Department of Energy, where he was deputy secretary and the second highest ranking executive in the Department. Judge Boggs is a *cum laude* graduate of Harvard and the University of Chicago Law School. Following graduation from law school, he was a Bigelow Fellow and instructor at the University of Chicago

Law School. In 1969 he returned to Kentucky and began a career in public service. In 1973 he moved to Washington and served in the United States Department of Justice, the Federal Power Commission, and as deputy minority counsel to the United States Senate Committee on Energy and Natural Resources. From 1981 to 1983 he served as special assistant to President Ronald Reagan.

New Appointments

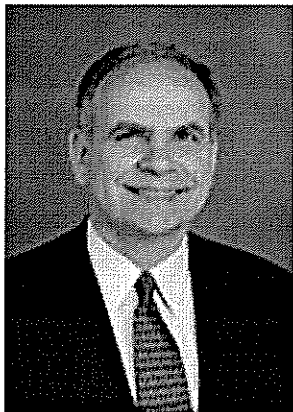


*Hon. Julia Smith Gibbons
U.S. Circuit Judge*

Julia Smith Gibbons. The Honorable Julia Smith Gibbons was sworn in as United States Circuit Judge for the Sixth Circuit Court of Appeals on August 2, 2002. She was appointed to fill the vacancy created by the assumption of senior status by Circuit Judge Gilbert S. Merritt on January 17, 2001. Her appointment to the Circuit Court follows

nineteen years on the United States District Court for the Western District of Tennessee, including seven years as chief judge of the District. At the time of her appointment to the District Court she was the Country's youngest Article III Judge and one of the youngest in the Nation's history. Judge Gibbons was the first woman federal judge appointed in Tennessee. She is a *magna cum laude*, Phi Beta Kappa graduate of Vanderbilt University; and a graduate of the University of Virginia School of Law where she was a member of Order of the Coif and the Editorial Board of the *Virginia Law Review*. Following graduation from law school she served as law clerk to the late Honorable William E. Miller of the United States Court of Appeals for the Sixth Circuit. In July 1981 she was appointed Circuit Court Judge for the 15th Judicial District, Division VI, Memphis. She was the first woman trial judge of a court of record in Tennessee. Judge Gibbons's service has extended beyond the bench. She has served on, and as Chairman of, the Judicial Resources Committee of the Judicial Conference of the United States; as a member of the Budget Committee of the Judicial Conference of the United States, and as a member of the Sixth Circuit Judicial Council and its Executive Committee. She

is currently serving a five-year term as a member of the Judicial Panel on Multi-District Litigation. She is a member of the Memphis Bar Association and a Fellow of the American, Memphis and Shelby County, and Tennessee Bar Foundations. Judge Gibbons served as the first president of the Tennessee Lawyers Association for Women. She is the recipient of numerous awards including Outstanding Judge of the Year Award and Women in the Law Award from the Memphis Bar Association.

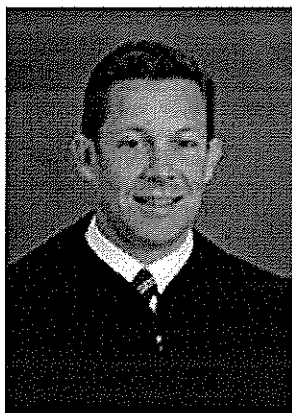


*Hon. John M. Rogers
U.S. Circuit Judge*

John M. Rogers. The Honorable John M. Rogers was sworn in as Judge of the United States Court of Appeals for the Sixth Circuit on November 27, 2002. He assumes the vacancy on the Court that was created by the assumption of senior status by Circuit Judge Eugene E. Siler, Jr. on January 1, 2002. Judge Rogers is a Phi Beta Kappa graduate of Stanford

University and an Order of the Coif graduate of the University of Michigan Law School. Prior to his appointment to the bench, Judge Rogers was the Thomas P. Lewis Professor of Law at the University of Kentucky College of Law where he taught constitutional, administrative and international law. From 1974-78 he was an appellate attorney in the Civil Division of the U.S. Department of Justice, and from 1983 to 1985, returned to the Department as a visiting professor to represent the Departments of State, Defense, Treasury, and INS. Judge Rogers has twice been a Fulbright Senior Lecturer in the People's Republic of China in Beijing in 1987-88 and in Guangzhou in 1994-95. He is a retired lieutenant colonel in the Army Reserve and the Kentucky Army National Guard.

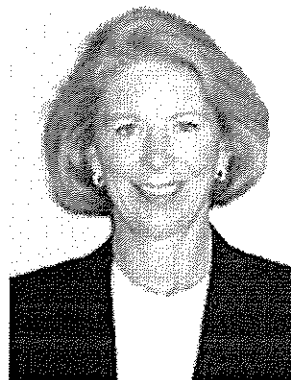
Jeffrey S. Sutton. The Honorable Jeffrey S. Sutton was appointed to the United States Court of Appeals for the Sixth Circuit on May 5, 2003. He succeeds the Honorable David A. Nelson who assumed senior status in 1999. Judge Sutton is a graduate of Williams College and Ohio State University College of Law. He is a former law clerk to United States Circuit Judge Thomas Meskill of the Second Circuit and Supreme Court Justices Lewis F. Powell, Jr. and Antonin



*Hon. Jeffrey S. Sutton
U.S. Circuit Judge*

Scalia. At the time of his appointment, Judge Sutton was a partner in the law firm of Jones, Day, Reavis & Pogue where he specialized in appellate practice. He argued nine cases and filed over fifty merits and amicus curiae briefs before the Supreme Court of the United States, both as a private practitioner and, from 1995 to 1998, as Solicitor for the State of Ohio. In his role as Solicitor between 1995 and 1998, Judge Sutton oversaw all appellate litigation on behalf of the Ohio Attorney General, as well as substantial constitutional litigation at the trial level. He argued thirteen cases in State Supreme Courts, eight cases before the Federal Court of Appeals, and dozens of cases in state and federal trial courts. For seven years, Judge Sutton has held the post of adjunct professor of law at Ohio State University College of Law. He has served as a member of the Board of Directors of the Equal Justice Foundation

and of the National Council of the College of Law. Judge Sutton is a four-time recipient of the Best Briefs Award by the National Association of Attorneys General.



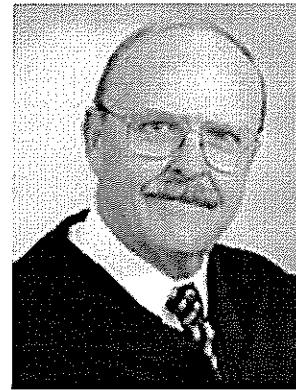
*Hon. Deborah L. Cook
U.S. Circuit Judge*

Deborah L. Cook. The Honorable Deborah L. Cook was appointed Judge of the United States Court of Appeals for the Sixth Circuit on May 7, 2003. She succeeds the Honorable Alan E. Norris who assumed senior status in 2001. Before her appointment to the Sixth Circuit, Judge Cook served for eight years as a Justice of the Ohio Supreme Court. For the four years immediately preceding her Supreme Court election, she served as judge on the Ninth District Court of Appeals, being elected to the office at age 38. Before her move to the bench, Judge Cook practiced for eleven years with Akron's oldest firm, Roderick Linton. She was the first female associate hired by the firm and then the firm's first female

partner. She received her B.A. and her J.D. degrees from the University of Akron. In 1996 she received an honorary Doctor of Laws degree from the University of Akron. During her undergraduate years Judge Cook was president of her senior class, president of Delta Gamma sorority, and a member of the Omicron Delta Kappa leadership and academic honorary. She chaired the Ohio Commission on Public Legal Education. She is a past president of the Akron Bar Association Foundation, a fellow of the American Bar Foundation and was a member of the Akron Bar Association disciplinary committee from 1981 to 1993. Judge Cook's past community activities include: Ohio Commission on Dispute Resolution and Conflict Management; Summit County United Way Board of Trustees; President of Volunteer Center Board of Trustees; Women's Network Board of Directors and past chair of the Junior Leadership Akron Project. She currently co-chairs College-scholars, Inc., a mentored scholarship program benefitting twenty disadvantaged Akron Public School honor students currently in middle school. She is a recipient of the Delta Gamma National Shield Award for Leadership and Volunteerism.

United States District Courts

Elevation



*Hon. James L. Graham
Chief Judge*

James L. Graham. The Honorable James L. Graham became Chief Judge of the United States District Court for the Southern District of Ohio on October 13, 2003. He succeeds the Honorable Walter Herbert Rice who completed his seven-year term as chief judge on October 12, 2003. Judge Graham was appointed to the Court in 1986. Judge Graham received his B.A. degree and J.D., *summa cum laude*, simultaneously in June of 1962. Following graduation, he went into private practice first with the firm of Dresbach, Crabbe, Newlon & Bilger, and for a short time, he was a single practitioner. Judge Graham was then joined in his practice by Hubert C. Dutro and John C. Nemeth to form the law firm of Graham, Dutro & Nemeth which specialized in civil

litigation. He served on the Ohio Board of Bar Examiners and served one year as its chairman. He also served as a member of the Development Commission of the City of Columbus from 1972 to 1977 and was its Chairman in 1976-1977. Judge Graham is a fellow of the American College of Trial Lawyers and has authored several articles on subjects related to insurance law and trial practice. He has also taught classes for the Ohio Judicial College and the Ohio Legal Institute.

New Appointments.

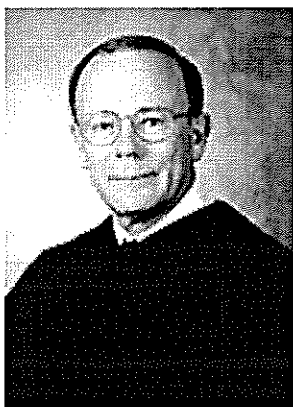


*Hon. Thomas M. Rose
U.S. District Judge*

Thomas M. Rose. The Honorable Thomas M. Rose, United States District Judge for the Southern District of Ohio at Dayton, was appointed on June 21, 2002. He fills the vacancy created by the assumption of senior status by United States District Judge Herman J. Weber of Cincinnati. Judge Rose is a graduate of

Ohio University and the University of Cincinnati College of Law. He began his legal career in Xenia, Ohio as an Assistant Prosecutor in the Greene County Prosecutor's Office. He then served as Chief Magistrate for the Greene County Juvenile Court where he presided over cases involving alleged delinquent, abused and neglected children. Judge Rose then became Chief of the Civil Division of the Greene County Prosecutor's Office where he represented a broad spectrum of elected officials, boards and governmental entities. While serving as an assistant prosecutor he maintained a private practice litigating personal injury lawsuits, contract disputes, will contests and domestic relations matters. He was appointed Judge of the Greene County Common Pleas Court and was subsequently elected to the Common Pleas bench where he presided over civil and felony criminal cases. Judge Rose served in that position until his appointment to the District Court.

Thomas W. Phillips. The Honorable Thomas W. Phillips was appointed United States District Judge for the Eastern District of Tennessee at Knoxville on November 15, 2002. He assumes the vacancy created by the assumption of senior status by United States District Judge James H. Jarvis on

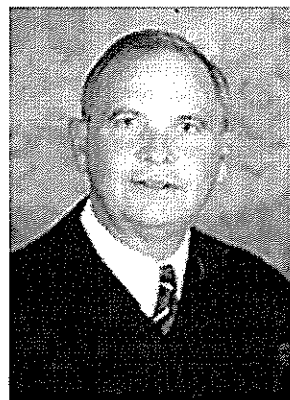


Hon. Thomas W. Phillips
U.S. District Judge

February 28, 2002. Judge Phillips received his B.A. degree from Berea College in 1965 and his J.D. degree from Vanderbilt University School of Law where he was associate articles editor of the *Vanderbilt Law Review*. Judge Phillips also received an LL.M. degree in Labor Law from George Washington University National Law Center in 1973. Prior to his appointment he had served since February 14, 1991 as United States Magistrate Judge for the Eastern District of Tennessee. Prior to that he was in private practice. He is a member of the American, Tennessee and Knoxville Bar Associations and of the Hamilton Burnett Chapter American Inns of Court.

Samuel H. Mays, Jr. The Honorable Samuel H. Mays, Jr. was appointed United States District Judge for the Western District of Tennessee on June 17, 2002. He was appointed to the

vacancy created by the untimely death of United States District Judge Jerome Turner. Judge Mays is a graduate of Amherst College and Yale University School of Law. From 1973 to 1995 he was an associate and then a shareholder in the Memphis law firm of Heiskell, Donelson, Bearman, Adams, Williams & Kirsch. From 1995 to 1997 Judge Mays served as Legal Counsel to the Governor of Tennessee; and from 1997 to 2000, he served as Deputy to the Governor and Chief of Staff. At the time of his appointment to the bench he had returned to private practice.

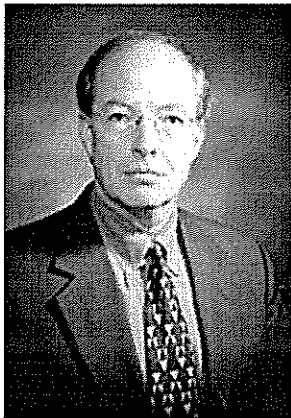


Hon. Gregory L. Frost
U.S. District Judge

Gregory L. Frost. The Honorable Gregory L. Frost was sworn in as United States District Judge for the Southern District of Ohio at Columbus on March 19, 2003. Judge Frost succeeds United States District Judge George C. Smith who assumed senior status on January 1, 2002.

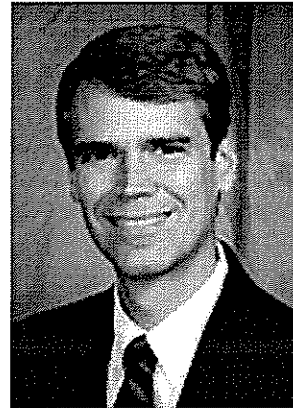
Judge Frost is a graduate of Wittenberg University and Ohio Northern University School of Law where he was Editor of the *Ohio Northern University Law Review*. Prior to his appointment, Judge Frost had served as Assistant Prosecutor for Licking County and as Judge of the Licking County Municipal Court.

the firm of Waldrop, Breen, Bryant, Crews, Taylor & McLeary. In 1991 he was appointed United States Magistrate Judge for the Western District of Tennessee and served in that capacity until his appointment as United States District Judge for the Western District of Tennessee.



Hon. J. Daniel Breen
U.S. District Judge

J. Daniel Breen. The Honorable J. Daniel Breen was appointed to the United States District Court for the Western District of Tennessee at Memphis on March 18, 2003. He succeeds the Honorable Julia Smith Gibbons who was appointed to serve on the Sixth Circuit Court of Appeals. Judge Breen is a *summa cum laude* graduate of Spring Hill College in Mobile, Alabama, and the University of Tennessee Law School where he served on the *Tennessee Law Review*. Following graduation from law school he was in private practice with



Hon. Thomas A. Varlan
U.S. District Judge

Thomas A. Varlan. The Honorable Thomas A. Varlan was sworn in as United States District Judge for the Eastern District of Tennessee on April 5, 2003, succeeding the Honorable Leon Jordan who assumed senior status on December 1, 2001. He is a graduate of the University of Tennessee and Vanderbilt University School of Law. Judge Varlan is a member of Order of the Coif and Phi Beta Kappa. He served as Managing Editor of the *Vanderbilt Law Review*. At the time of his appointment he was a member of the law firm of Bass, Berry & Sims.



Hon. John R. Adams
U.S. District Judge

John R. Adams. The Honorable John R. Adams was sworn in as United States District Judge for the Northern District of Ohio at Akron on February 19, 2003. He succeeds retired United States District Judge George W. White. Judge Adams is a *cum laude* graduate of Bowling Green State University and the University of Akron Law School. After graduation, he clerked for the Honorable W.F. Spicer of the Court of Common Pleas. From 1984 to 1999 Judge Adams was in private practice and served as Assistant Prosecutor for Summit County. At the time of his appointment to the District Court, he was serving as Common Pleas Judge for Summit County, Ohio.

J. Ronnie Greer. The Honorable J. Ronnie Greer was sworn in as United States District Judge for the Eastern District of Tennessee at Greeneville on



Hon. J. Ronnie Greer
U.S. District Judge

June 25, 2003. He fills the vacancy created by the assumption of senior status by United States District Judge Thomas Gray Hull. Judge Greer is a graduate of East Tennessee State University and the University of Tennessee College of Law. Following graduation from law school, he served as Special Assistant to the Governor of Tennessee, and engaged in the private practice of law. Judge Greer served one year as Greene County Attorney and eight years as a State Senator in the Tennessee General Assembly. While a member of the Tennessee Senate, he was chairman of the Senate Standing Committee on Environment, Conservation and Tourism. Judge Greer was the author and prime sponsor of the Tennessee Solid Waste Management Act and was named legislator of the year by the Tennessee Conservation League in 1989 and by the Environmental Action Fund in 1994. At the time of his appointment, he was in private practice in Greeneville.

Elevation.



*Hon. Randolph Baxter
Chief Judge*

Randolph Baxter. The Honorable Randolph Baxter became Chief Judge of the United States Bankruptcy Court for the Northern District of Ohio on January 4, 2004. He succeeds the Honorable William T. Bodoh who retired on that date. Judge Baxter is serving his second 14-year term on the Bankruptcy Court having been reappointed on December 16, 1999. Judge Baxter is a graduate of Tuskegee Institute and the University of Akron Law School. At the time of his appointment to the bankruptcy bench, he was an Assistant United States Attorney for the Northern District of Ohio and Chief of Appellate Litigation for that office.

Walter J. Krasniewski. The Honorable Walter J. Krasniewski who served as United States Bankruptcy Judge for the Northern District of Ohio at Toledo passed away on December 26, 2002. He was appointed to the bankruptcy bench on September 1, 1965 and retired on July 31, 1994. For several years following his retirement, Judge Krasniewski continued to serve the Northern District of Ohio as a recalled bankruptcy judge. He was a graduate of Xavier University and the University of Toledo College of Law. Following graduation from law school, he entered private practice. Next he worked for the State of Ohio as an Assistant Attorney; and later became an Assistant U.S. Attorney having been appointed by then Attorney General Robert Kennedy. Judge Krasniewski authored more than 500 legal opinions over his thirty years of service. He was a member of numerous bar associations, the National Association of Bankruptcy Judges and a life member of the Sixth Circuit Judicial Conference.

David E. Nims, Jr. The Honorable David E. Nims, Jr. who served as United States Bankruptcy Judge for the Western District of Michigan from 1955

to 1986, and who served the Court in recall status from 1986 to 1992 died on February 28, 2003. Judge Nims was 90 years of age and was preceded in death by his wife, Sybil. He was a 1936 graduate of the University of Michigan Law School who then went into private practice in Kalamazoo, Michigan. He was a veteran of World War II having served in Germany in the Battle of the Bulge for which he won a Purple Heart. After the war, Judge Nims returned to his law practice in Kalamazoo. He served as President of the Kalamazoo Bar Association, chairman of the Family Law Committee of the State Bar, and United States Commissioner. After his appointment to the bankruptcy court, he moved his family to Grand Rapids. During his tenure on the bench, Judge Nims lectured extensively on bankruptcy law and contributed to a number of publications. He was a member of the Board of Directors of the Grand Rapids Child Guidance Clinic for many years and a member of the Grand Rapids Torch Club.

Laurence E. Howard. The Honorable Laurence E. Howard who served as United States Bankruptcy Judge for the Western District of Michigan for 23 years passed away on February 22,

2003. He was appointed to the bankruptcy bench in 1976 and served until his retirement in 1999. Judge Howard served the Court as Chief Judge from October 1, 1986 until March 3, 1998. He was a graduate of Notre Dame University and its law school. From 1954 to 1956 Judge Howard served in the United States Army. Prior to his appointment to the bankruptcy bench, he served as an Assistant City Attorney for Grand Rapids and engaged in the private practice of law. In 1968 he ran for Congress, as a Democrat, against Gerald R. Ford. In recognition of his service on the bench, the bankruptcy bar presented Judge Howard with its Lion of Justice award in 2001. He was a Double Domer from Notre Dame and a devoted fan.



New Appointments



Hon. Arthur I. Harris
U.S. Bankruptcy Judge

Arthur I. Harris. The Honorable Arthur I. Harris was appointed United States Bankruptcy Judge for the Northern District of Ohio at Cleveland on October 7, 2002. Judge Harris succeeds United States Bankruptcy Judge David F. Snow who retired on July 25, 2000. Prior to his appointment, Judge Harris had served as Assistant United States Attorney for the Northern District of Ohio for 18 years.

Thomas H. Fulton. The Honorable Thomas H. Fulton was appointed United States Bankruptcy Judge for the Western District of Kentucky on December 6, 2002. He fills the vacancy created by the expiration of the term of United States Bankruptcy Judge J. Wendell Roberts on October 15, 2001. Judge Fulton graduated with special distinction from Mississippi State

University; and Tulane University Law School. Prior to his appointment to the bench, Judge Fulton was in private practice with the law firm of Humphreys Dunlap Wellford Acuff & Stanton in Memphis, Tennessee.

Marci Beth McIvor. The Honorable Marci Beth McIvor was appointed United States Bankruptcy Judge for the Eastern District of Michigan on March 14, 2003. She succeeds United States Bankruptcy Judge Arthur J. Spector whose term expired on March 24, 2002. Since March of 1986 Judge McIvor had served as Assistant Attorney General for the State of Michigan and was serving as First Assistant specializing in bankruptcy law and litigation on behalf of the Michigan Department of Treasury and other state agencies at the time of her appointment. She is a *cum laude* graduate of Harvard University; and she received her Juris Doctor from Wayne State University Law School.

Thomas J. Tucker. The Honorable Thomas J. Tucker was appointed to fill the bankruptcy judge vacancy created by the retirement of United States Bankruptcy Judge Ray Reynolds Graves on January 5, 2002. He is a summa cum laude graduate of the



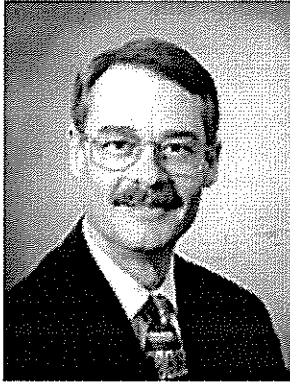
Hon. Thomas J. Tucker
U.S. Bankruptcy Judge

University of Toledo, and a *cum laude* graduate of Harvard Law School. Following graduation from law school, Judge Tucker served as law clerk to the Honorable Albert J. Engel, United States Circuit Judge for the Sixth Circuit. In 1982, he began private practice with the Toledo law firm of Cooper & Walinski, starting first as an associate and becoming a shareholder in 1986. Judge Tucker is the recipient of several awards for his work for indigents through the Pro Bono Legal Services Program of the Toledo Bar Association and has been inducted into the St. Clement School "Hall of Fame" in recognition for his service to the community. Judge Tucker assumed his duties on March 21, 2003.

Phillip J. Shefferly. The Honorable Phillip J. Shefferly was sworn in as United States Bankruptcy Judge for

the Eastern District of Michigan on March 21, 2003. He was appointed to succeed United States Bankruptcy Judge Walter Shapero who retired on July 14, 2002 but who continues to serve in recall status. Judge Shefferly received his Bachelor of Arts Degree with High Distinction from the University of Michigan and his Juris Doctor Degree, *magna cum laude*, from Wayne State University Law School. From 1979 through 1989, he was a practicing attorney with the Southfield Michigan law firm of Schlusser, Lifton, Simon, Rands, Galvin & Jackier. Since January 1990 Judge Shefferly was president and director of the law firm of Shefferly, Silverman & Morris of West Bloomfield, Michigan. He specialized in Chapter 11 and other bankruptcy cases, business reorganizations, creditors rights, and commercial litigation. Judge Shefferly is an active member of the University of Michigan Alumni Association and a member of USA Hockey and a certified amateur youth ice hockey coach.

Lawrence S. Walter. The Honorable Lawrence S. Walter was appointed United States Bankruptcy Judge for the Southern District of Ohio at Dayton on October 24, 2003. He fills the



*Hon. Lawrence S. Walter
U.S. Bankruptcy Judge*

vacancy created by the retirement of United States Bankruptcy Judge Donald E. Calhoun, Jr. who continues to serve in recall status. Judge Walter received his B.A. from the University of Kansas; his M.A. from the University of Michigan; and his J.D. from the University of Cincinnati College of Law where he was a member of the Order of Barristers and a Moot Court Board Editor. He received the Harmon, Colston, Goldsmith & Hoadley Prize for Excellence in Appellate Advocacy and first place in the Albert R. Mugel National Moot Court Tax Competition. Judge Walter is the author of several articles and has been a speaker at numerous bankruptcy courses and seminars. From 1989 to 1996 he served as chair and vice chair of the Union Township Board of Zoning Appeals. Judge Walters is a member of the American, Ohio State and Dayton Bar Associations; the American Bankruptcy

Institute and the Commercial Law League; and he has been a participant in the Dayton Volunteer Lawyers Project for more than ten years. Since his graduation from law school, Judge Walter has been in private practice; and at the time of his appointment, he was a member of the Dayton firm of Sebaly, Shillito & Dyer.

United States Magistrate Judges

New Appointments



*Hon. Sharon L. Ovington
U.S. Magistrate Judge*

Sharon B. Ovington. The Honorable, Sharon B. Ovington was sworn in as United States Magistrate Judge for the Southern District of Ohio at Dayton on October 28, 2002. She was appointed to a newly authorized magistrate judge position, and is the first female magistrate judge appointed to the Southern District of Ohio, Western

Division at Dayton. Judge Ovington is a graduate of the University of Cincinnati and the University of Dayton Law School. Prior to her appointment, Judge Ovington was a partner at the firm of Greger & Ovington in Dayton.

R. Steven Whalen. The Honorable R. Steven Whalen was appointed United States Magistrate Judge for the Eastern District of Michigan on September 11, 2002. He succeeds United States Magistrate Judge Marc Goldman who resigned his position. Originally from Chicago, he received a B.A. from the University of Illinois and his J.D. from Wayne State University School of Law. Prior to his appointment, Judge Whalen was a sole practitioner in Detroit, specializing in criminal defense. Earlier in his career, he was an attorney at the Senior Citizens Legal Aid Project and the Michigan State Appellate Defender Office. He has been a frequent lecturer in the area of criminal practice, and recently authored a comprehensive procedure manual on criminal appeals.

Tu M. Pham. The Honorable Tu M. Pham was sworn in as United States Magistrate Judge for the Western District of Tennessee on April 21, 2003. He assumes the position formerly held by



*Hon. Tu M. Pham
U.S. Magistrate Judge*

retired Magistrate Judge James Allen. Judge Pham received his J.D. in 1996 from the University of Illinois College of Law. After his clerkship with the Honorable William L. Garwood of the United States Court of Appeals for the Fifth Circuit, Judge Pham joined the law firm of Kirkland & Ellis as a litigation associate. Prior to his appointment to the bench, Judge Pham was an Assistant United States Attorney for the Northern District of Illinois.

H. Bruce Guyton. The Honorable H. Bruce Guyton was sworn in as United States Magistrate Judge for the Eastern District of Tennessee at Knoxville on June 25, 2003. He filled the vacancy created by the elevation of Magistrate Judge Thomas W. Phillips to the position of United States District Judge. At the time of his appointment to the bench, Magistrate Judge Guyton was a founding



Hon. H. Bruce Guyton
U.S. Magistrate Judge

partner in the Knoxville law firm of Woolf, McClane, Bright, Allen & Carpenter, PLLC, and the chair of the firm's commercial litigation section. Prior to the formation of the Woolf, McClane firm in June, 1994, he was a partner in Baker, Worthington, Crossley, Stansberry & Woolf, a law firm with offices in several Tennessee cities and in Washington, D.C. Magistrate Judge Guyton graduated Phi Beta Kappa from Rhodes College in 1978, and he received his law degree from the University of Virginia in 1981. He is a former President of the Hamilton Burnett Chapter of the American Inns of Court, and a former member of the Board of Governors of the Knoxville Bar Association.

Mona K. Majzoub. An opportunity to view the law from a new perspective and a welcome desire for



Hon. Mona K. Majzoub
U.S. Magistrate Judge

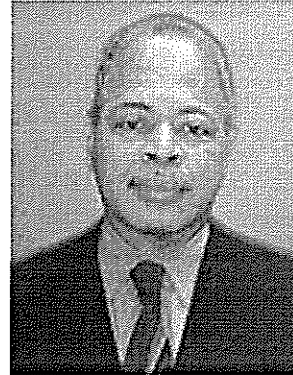
change led Mona K. Majzoub to become the newest Magistrate Judge for the United States District Court for the Eastern District of Michigan. She began her eight-year term on January 6, 2004 and fills the vacancy created by Magistrate Judge Carlson's retirement last October. Judge Majzoub comes to the court with 27 years of litigation experience specializing in professional liability cases. She is a graduate of the University of Detroit School of Law. Judge Majzoub earned bachelor's and master's degrees in English Literature from the University of Michigan and completed graduate studies at the American University of Beirut. During law school she worked for Michigan Legal Services. Following graduation, she began her legal career at the law firm of Kitch and Suhrheinrich where she remained for 27 years. Judge Majzoub was the first woman hired by Kitch,

Drutchas and its first female partner. She is the first Arab-American woman to have served as president of the Arab-American Bar Association.



*Hon. S. Thomas Anderson
U.S. Magistrate Judge*

S. Thomas Anderson. The Honorable S. Thomas Anderson was appointed United States Magistrate Judge for the Western District of Tennessee at Jackson on November 21, 2003. He was appointed to fill the vacancy created by the elevation of United States Magistrate Judge J. Daniel Breen to the position of United States District Judge. Prior to his appointment, Judge Anderson was in private practice with Anderson Law Firm, P.L.L.C. in Jackson where his practice focused on civil litigation. Following his graduation from Law School, he served as Assistant Commissioner for the Tennessee Department of Transportation and as an Administrative Law Judge on the Tennessee Claims Commission.



*Hon. Kenneth S. McHargh
U.S. Magistrate Judge*

Kenneth S. McHargh. The Honorable Kenneth S. McHargh took the oath of office as United States Magistrate Judge for the Northern District of Ohio at Cleveland on March 1, 2004. He succeeds United States Magistrate Judge Jack Streepy who retired on February 29, 2004. Judge McHargh received his Bachelor's Degree from the College of Wooster in Wooster, Ohio where he was an Honors graduate in Political science. He proceeded on to graduate from the University of Connecticut School of Law where he served as a student public defender and co-founded the NAACP Legal Redress Committee. Judge McHargh joined New Haven Legal Assistance Association (NHLAA) as a staff attorney, became managing attorney of a neighborhood branch office, and was later named NHLAA's first Deputy Director. For a period between 1978-1979, Judge McHargh was a staff counsel with the U.S. House of Representatives Select Committee on Assassinations,

investigating the deaths of President John F. Kennedy and Dr. Martin Luther King, Jr. Judge McHargh joined the U.S. Attorney's Office for the Northern District of Ohio in 1979 as an attorney in the Economic Crimes Unit. He later became the Lead Attorney for the Organized Crime Drug Enforcement Task Force (OCDETF) Unit and, most recently, has served as a Deputy Chief within the Criminal Division, supervising the Narcotics/OCDETF and Asset Forfeiture Unit.

Death

Joseph W. Bartunek. The Honorable Joseph W. Bartunek, retired United States Magistrate Judge for the Northern District of Ohio, died on October 10, 2003 at the age of 79. He was a graduate of Western Reserve University and Cleveland Marshall Law School. From 1975 to 1980 he served as Special Counsel to the City of Cleveland on its water plant litigation. Other public service prior to his appointment included two terms in the Ohio State Senate; one term as Probate Judge for Cuyahoga County; and one year as Law Director for the City of Solon, Ohio. Judge Bartunek was appointed on April 26, 1986, and he retired on February 17, 1997. He continued to serve the court in recall status until February 17, 1998.

Judicial Workload in the Sixth Circuit

Workload in the District Courts

The total workload of the district courts decreased in 2003, with civil filings decreasing by slightly under 2 percent while criminal filings decreased by slightly over 2 percent. Terminations of civil cases increased overall and significantly in the Northern District of Ohio. Criminal terminations increased by over 6 percent. The number of pending civil cases dropped, while the number of pending criminal cases increased.

Figure 1 depicts the total number of cases filed per judgeship for the district courts in the Sixth Circuit.

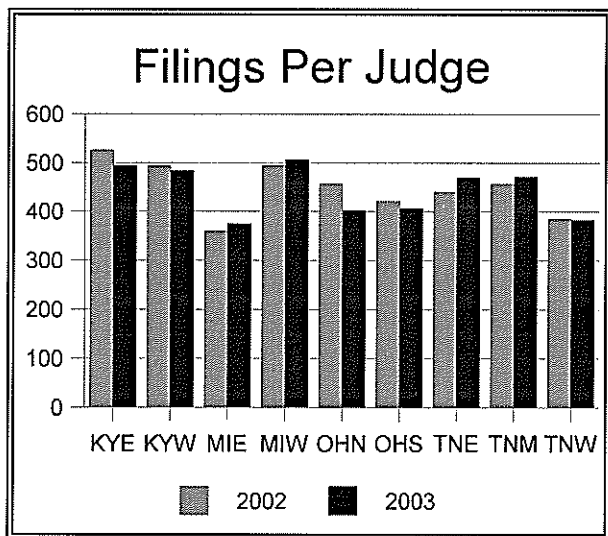


Figure 1

Figure 2 depicts the total number of cases terminated per judgeship for the district courts in the Sixth Circuit.

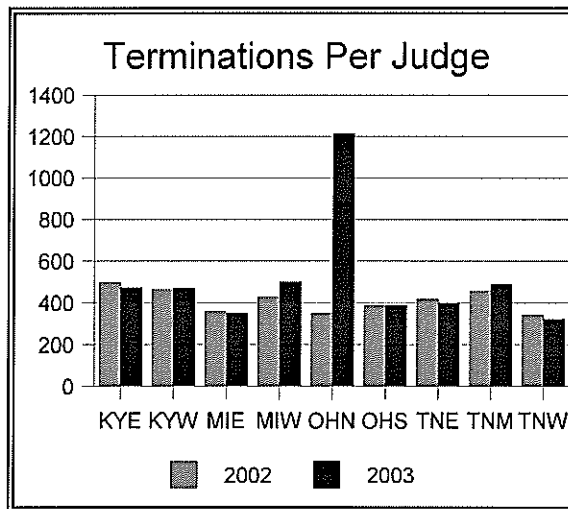


Figure 2

Figure 3 shows a comparison of pending cases per judgeship in each of the districts in the Sixth Circuit.

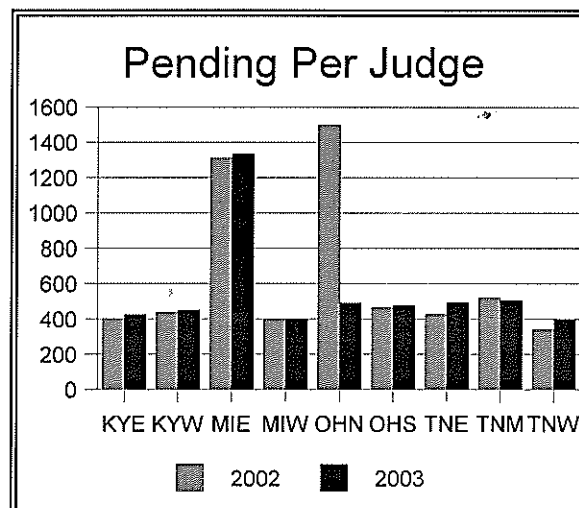


Figure 3

Disposition Times . Figure 4 shows the median time in months from filing to disposition for civil cases for each of the district courts in the Sixth Circuit for fiscal years 2002 and 2003.

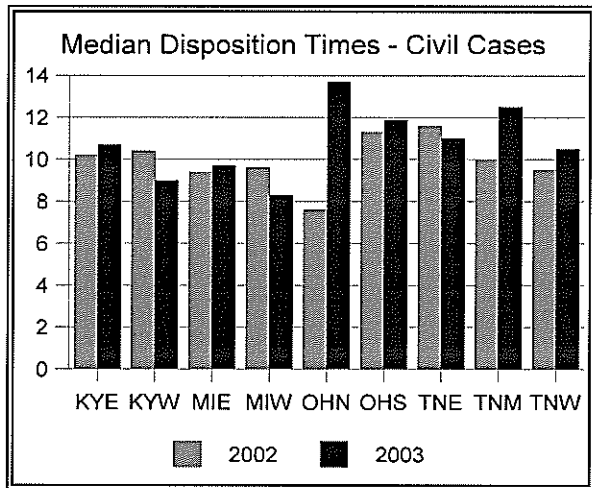


Figure 4

Three Year Old Cases . Figure 5 shows the percentage of civil cases more than three years old for each district in the Sixth Circuit for the same two fiscal years.

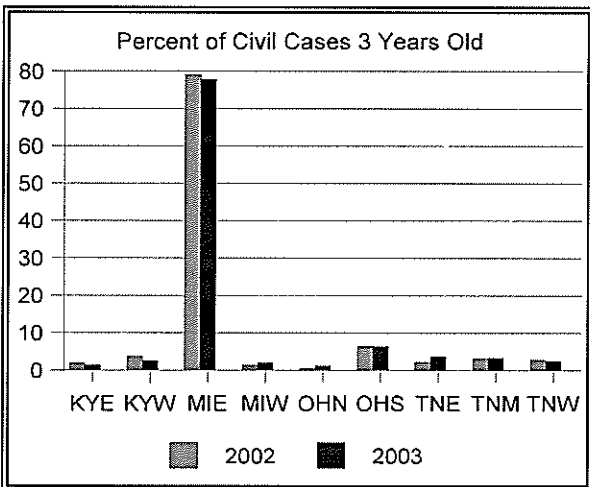


Figure 5

Workload in the Bankruptcy Courts

Filings in the bankruptcy courts in the Sixth Circuit increased by over 10 percent in 2003 to a total of more than 247,000 cases. Figure 6 shows the total bankruptcy filings per judge for each of the bankruptcy courts in the Sixth Circuit.

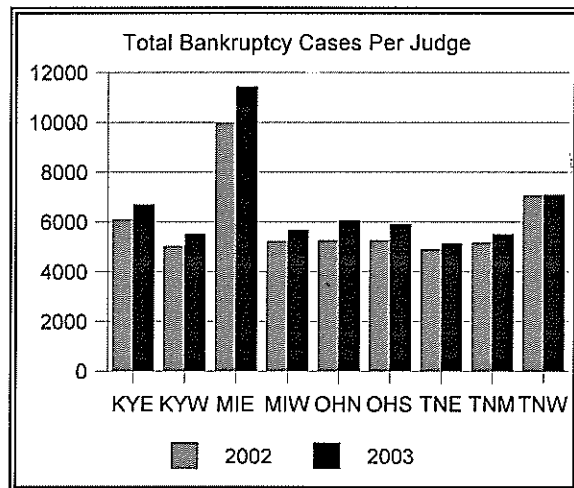
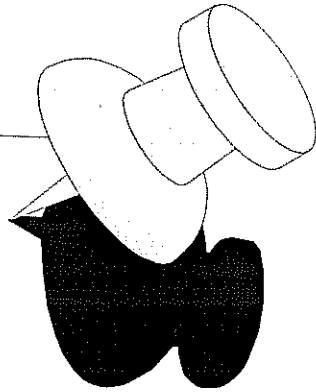


Figure 6



***Report
of the
United States
Court of Appeals
for the
Sixth Circuit***

OFFICE OF THE CLERK

Leonard Green, Clerk

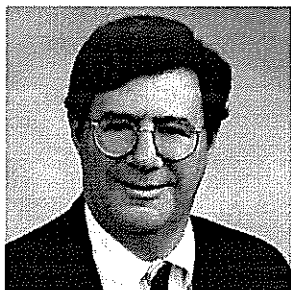
The past year brought the court the highest level of new filings it has yet experienced. Case dispositions increased as well, but fell short of meeting the increase in filings. The 5047 new filings in 2003 represented an increase over the previous year of 9.7% - the largest annual percentage increase in over a decade - while the rise in dispositions was a modest 1.4%.

The better news is that with the addition of two judges (Judges Julia S. Gibbons and John M. Rogers) in the latter

part of 2002 and two more (Judges Jeffrey S. Sutton and Deborah L. Cook) in May of 2003, the court is up to three-quarters strength, with 12 of its statutorily-authorized complement of 16 active judges filled. Coupled with the vigorous participation of its own senior judges and visiting judges, this gives the court a level of judgepower which keeps it from being inundated by an expanding docket.

The following chart breaks down case filings and dispositions for the past three years by case type:

	<u>FILINGS</u>			<u>DISPOSITIONS</u>		
	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
Fed. Question	637	671	731	667	638	696
Diversity	360	343	372	322	336	312
Criminal	803	860	927	961	861	877
Civil Rights	530	540	566	667	544	543
Pris. Civil Rights	456	429	453	479	462	423
Habeas Corpus	1090	1004	1039	1085	1066	1091
Social Security	77	68	103	79	81	82
Agency	96	249	390	86	120	191
NLRB	66	16	37	53	33	58
Tax Court	14	9	12	11	11	12
Bankruptcy	66	66	72	77	63	78
Original Action	77	50	48	54	49	47
Pris. Mandamus	48	56	53	46	41	36
2 nd /Successive	<u>426</u>	<u>239</u>	<u>244</u>	<u>394</u>	<u>337</u>	<u>262</u>
	4851	4600	5047	4981	4642	4708



Leonard Green, Clerk

As the chart indicates, the makeup of the court's docket varies from year to year. One constant, however, is the predominance of prisoner and other pro se filings, which collectively account for over 45% of all cases brought to the court. The most pronounced docket shift in the last two years has been the rapid and dramatic increase in the number of immigration cases (reflected in the "Agency" column above) coming into the court. All indications are that this sector of the docket will continue to grow.

An increasingly defining element of the court's workload is its death penalty docket. Twenty-three new appeals in capital habeas corpus cases were filed in 2003; at year's end there were nearly 60 such appeals pending on the court's docket which had not yet reached oral argument. With active judges having on average a dozen death penalty appeals on their own personal dockets, and given the enormous investment of judicial time and effort required by these cases, the capital

docket makes unique demands on a court already facing a burgeoning docket.

In the face of these docket pressures, however, the court remains committed to its long-held view that oral argument is an integral part of the appellate process, and that the opportunity for oral argument should be afforded in every case in which counsel requests it. In order to give effect to this policy the court continues to supplement its regular argument calendar with oral arguments conducted by teleconference, again with the assistance of senior circuit judges and district judges.

In order to provide an environment in which appeals proceed smoothly through the various procedural stages and on to submission on the merits, the clerk's office works closely with counsel, court reporters, other court personnel, and other necessary parties to ensure that the requirements of the federal and local rules of practice and procedure are understood and complied with. The Sixth Circuit Rules and Internal Operating Procedures are constantly evolving bodies of guidance which owe much of their currency and vitality to the work of the Advisory Committee on Rules, a body charged with bringing the perspective of the practicing bar to the court's consideration of matters of rule and procedure. The court is deeply

appreciative of the dedication of the members of the committee.

The office of the clerk is pleased that it remains able to provide technical, administrative, and logistical support to the Bankruptcy Appellate Panel of the Sixth Circuit, as it has since the inception of that body in 1997. The office looks forward to a rewarding relationship with

the BAP as it continues to contribute to the jurisprudence of the circuit.

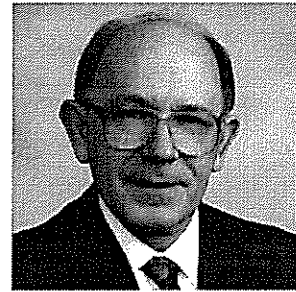
The clerk's office remains steadfast in its commitment to offer, despite the prospect of draconian budgets, the highest level of service to the court and those who come before it, and to that end it always welcomes suggestions on how it can improve its service.



OFFICE OF THE STAFF ATTORNEYS

Kenneth A. Howe, Jr.
Senior Staff Attorney

Joseph C. Merling
Janice L. Platt
Supervisory Staff Attorneys



Kenneth A. Howe, Jr.
Senior Staff Attorney

Staff attorneys were first employed by the Sixth Circuit in 1971 when three attorneys were hired for newly budgeted positions in the clerk's office. In 1976, the court appointed its first senior staff attorney and created the Office of the Staff Attorneys as a separate entity, both administratively and operationally, from the other support offices of the court. Title 28 U.S.C. § 715(a)-(b), which became effective October 1, 1982, codified each court of appeal's prior budget authority to appoint a senior staff attorney, staff attorneys and secretaries.

The Office of the Staff Attorneys and all of its personnel are located in Cincinnati. The senior staff attorney is responsible for the personnel, administrative, and operational activities of the office. The office has two supervisory staff attorneys, sixteen line staff attorneys, an administrative manager, and four secretaries. This past year the

office lost a twenty-seven year veteran, Michael Cassady, due to cancer. Michael, one of two supervisory staff attorneys, had served in that capacity for 15 years. Several more line staff attorneys will be employed this year.

The office provides various support services to the court. The primary service is to review all *pro se* and prisoner-related appeals and to prepare legal research memoranda for those cases which do not appear to require oral argument. The criteria used in this review process are set forth in Sixth Circuit Rule 34(j) and Fed. R. App. P. 34. If a case falls within one of the enumerated criteria, it is assigned to a staff attorney for review and legal research on the facts and relevant legal issues for consideration by the court pursuant to Sixth Circuit Rule 34(j). This review process has been extended to counsel-represented appeals where counsel have waived oral argument, either expressly or

by implication. In 2003, nine hundred and sixty cases were referred to various hearing panels for consideration without oral argument pursuant to Rule 34.

Last year, the office referred, for single-judge consideration, 773 research memoranda on applications for a certificate of appealability in habeas corpus and motion to vacate cases. Rulings which deny such applications dispose of the cases. Research memoranda were prepared on 180 motions seeking permission to file a second or successive habeas corpus petition or motion to vacate.

The office reviews all *pro se* and prisoner-related cases for proper appellate jurisdiction. Two hundred and forty-six research memoranda were prepared for motion panel consideration on cases lacking proper appellate jurisdiction.

During 2002, staff attorneys began preparing research memoranda on certificates of appealability on habeas corpus cases involving a sentence of death. This year the staff attorneys began preparing bench memoranda on death penalty cases for the oral argument panels.

This past year the office published two research manuals, a *Habeas Corpus and Death Penalty Reference Manual* and a *Compendium of Sixth Circuit Case Law*.

The *Habeas Corpus Manual* has been published in paper copy for only Sixth Circuit Judges and court staff, and is available in PDF format and HTML format, the latter permitting a researcher to read the cited cases in WESTLAW. The *Habeas Corpus Manual*, with court approval, is now on the Court's Home Page and available to all personnel within the Federal Judiciary. The *Compendium* has been published in paper copy for the Sixth Circuit judges and court staff and is available to them electronically in PDF format. The *Habeas Corpus Manual* and *Compendium* will be updated yearly.



OFFICE OF THE CIRCUIT MEDIATORS
ANNUAL REPORT
For Calendar Year 2003

	<u>2003</u>	<u>Average for Prior 3 Years</u>
Total Cases Mediated	993	995
Total No. Settled*	434	439
Overall Settlement Rate	44%	44%
BAP Cases Mediated	61	40
No. Settled	33	21
Settlement Rate	54%	53%
Cases Referred by Hearing Panels	5	10
No. Settled	2	4
Settlement Rate	40%	40%
Cases with In-Person Conferences**	37	
No. Settled	19	
Settlement Rate	51%	

The mediation office initiates and facilitates confidential settlement discussions in Sixth Circuit civil appeals. It also mediates most Bankruptcy Appellate Panel (BAP) cases. Procedures for both types of cases are essentially the same. Goals secondary to settlement include clarification of the issues to be presented on appeal and prevention or elimination of procedural problems that can be avoided by agreement.

* The Mediation Office counts as settlements all cases that terminate without judicial involvement after the initiation of mediation activity. Some of these are recorded by the Clerk as "voluntary dismissals" and "dismissals for want of prosecution." Thus, this office's reported settlement statistics typically differ slightly from the Clerk's central statistics. It also should be recognized that a significant but unknown number of these cases would have settled or voluntarily dismissed even without the program's intervention.

** This number only includes cases in which the initial conference was held in person. It does not include cases that started as telephone conferences in which follow-up meetings between the parties were scheduled.

Most of the Sixth Circuit appeals chosen for mediation conferences are selected randomly from the pool of cases considered most amenable to mediation, although confidential requests for mediation are nearly always granted. The pool of “amenable” cases includes all fully counseled civil cases except some federal agency cases (such as tax and Social Security) and prisoner cases. Routinely by-passed are Sixth Circuit and BAP appeals with pending motions, show cause orders, or apparent jurisdictional problems.

The great majority of initial conferences are conducted by telephone because phone conferences are much easier and more economical for counsel and their clients to attend. In light of new survey responses from the bar indicating some preference for face-to-face conferences, the program has been scheduling more in-person conferences in cases where all counsel work within 50 miles or so of Cincinnati. As shown above, the settlement rate for these in-person conferences is higher than for telephone conferences.

The office employs five mediators who range in age from mid-forties and up, and in years of service as Court mediators



*Robert W. Rack, Jr.
Chief Circuit Mediator*

from five to twenty-two years. All are lawyers, with varied prior experience, and all have extensive mediation and/or negotiation training. All are based in Cincinnati. While each mediator’s style may differ, most adopt a more facilitative approach. Thus, they are more likely to try to assist counsel in exploring settlement options, evaluating the merits of appellate issues, and appraising the settlement value of the case, than to urge specific solutions.

The circuit mediators welcome suggestions as to how we can better serve parties, counsel, or the judiciary in any particular case or in general. All are invited to call or write with ideas before specific conferences or at any other time.



*Annual Sixth Circuit
Library System Report: 2003*

*by Kathy Joyce Welker
Circuit Librarian*



*Kathy Joyce Welker
Circuit Librarian*

Sixth Circuit librarians continue to work to provide effective research support to all court personnel as they go about the work of the courts. More traditional means of support continue unabated. We continue to organize and track printed materials located in our staffed libraries and in chambers collections. We continue to administer the CALR program and provide CALR training. We continue to locate for our users that elusive document online or in print and we continue to resolve subscription problems for judges, probation officers and other court personnel throughout the circuit. At the same time, we are working to refine and enhance support services that can be made readily available to our users. These efforts to enhance our services include adding numerous electronic resources accessible from the library's website and from the online catalog, developing a strategic plan for prioritizing and focusing our efforts to provide newer support services, and delivering support services tailored to the needs of individuals or smaller groups of individuals as well as to

the needs of our entire circuit constituency.

Sometimes in conjunction with national judiciary initiatives and sometimes locally for our circuit, we have periodically added new electronic resources to the library's website giving users more options at their desktop. Examples of such added services include some Bender's titles (such as Collier on Bankruptcy, Modern Federal Jury Instructions, Moore's Federal Practice, Nimmer on Copyright and Weinstein's Federal Evidence); LLMC-Digital (digitized collection of legislative, administrative and judicial documents); Hein On-Line (including foreign and U.S. law reviews and international treaties); Oxford Reference Online (100+ general dictionary and reference titles); and Proquest (including back-runs of selected newspapers including the New York Times, Wall Street Journal and Washington Post). All of the items here are also accessible via the library online catalog (linked from the library website)

with the exception of LLMC-Digital which we expect to add as soon as the provider supplies us with the information necessary in order to catalog these materials.

In 2003, librarians have expended concentrated effort in order to prioritize the new and emerging services that we will be rolling out to our clientele in upcoming years. Part of this effort has been the development of a strategic plan that imposes an order to our efforts to continue to develop new areas of service. This plan (still in draft form) outlines who we are, our strengths, our weaknesses, our opportunities for development, our clients, our current services and products, our goals and objectives and our strategies for accomplishing these goals and strategies.

A final version of this plan will become the road map for us to follow as we work toward providing the best possible access to information that meets our clients needs and desires. Carrying out this plan, committees of our librarians have also been working to develop plans for promoting our services to our users, for creating an overall graphics design that will be used on all of our library communications and promotional materials and for periodically evaluating the effectiveness of our services by surveying our users so that we can

measure objectively how well we are meeting our goals and objectives.

Concurrently with our developing this strategic plan, we are exploring tangible ways to provide newer and even more individualized support services tailored to the needs of our clients. For example, we have purchased access to the online version of the Current Index to Legal Periodicals (CILP) and are now posting anew every week on our library website the table of contents and a subject index to articles appearing in new law reviews as they are published. We have also purchased user profile authority that enables us to customize and deliver CILP reports to individuals or groups of individuals within the judiciary. Another area of concentration has been providing current news articles on our library web site. Using the JURIST PAPER CHASE legal newsfeed service, we link to current international and national legal news articles. On a daily schedule, our librarians scan local newspapers, websites, and blogs and post a summary of links to articles of interest from “around the Circuit.” And on the local level, librarians are designing individualized news service reports tailored to the unique needs of our local users. Work continues to develop methods to efficiently and effectively deliver up-to-date information to our users’s desktops and to carefully

evaluate the continuing value of such services.

There is so much that we hope to do to enhance our library services. Even given

the constraints of time and money, we still believe that, as a group of librarians, we can collectively provide better and more tailored support services to our clientele. 2003 was a year for planning. We expect that 2004 will be a year of doing and also evaluating the effectiveness of what we have done. We look forward to seeing the fruition of our efforts as new products are rolled out to our users.



OFFICE OF INFORMATION TECHNOLOGY

William M. Eggemeier
Assistant Circuit Executive

Michael Nagel
Systems Manager

Michael Davison
Data Network Administrator

Michael Babcock
Telecommunications Manager

The Office of Information Technology provides training and support for the office automation and technology needs of the judges and staff of the U.S. Court of Appeals for the Sixth Circuit. In addition, the office maintains the automated case management system for the court. This system is used to manage

the court's docket, track cases, help prepare the oral argument calendar, and provide information on cases to the judges, court staff, the lower court, the bar and the public. The Office of Information Technology also coordinates IT and telecommunications activities with

the district, bankruptcy, probation and pretrial offices within the Sixth Circuit.

The Office of Information Technology maintains the court's website on the Internet. The site includes access to the U.S. Court of Appeals for the Sixth Circuit's docket information, published opinions, oral argument calendar, local rules and operating procedures, and a variety of status reports on appellate cases. Also, the site contains a number of appellate forms (e.g., *Notice of Appeal*, *Attorney Admission*, *Transcript Purchase Order* and forms associated with CJA appointments). In addition, the site provides information relating to the Sixth Circuit Judicial Council and Circuit Executive Office (e.g., pattern jury instructions, bankruptcy judge selection procedures, and information about the circuit judicial conference). The Internet address for the Sixth Circuit's website is www.ca6.uscourts.gov. With the exception of the court's docket information, there is no fee charged for viewing information.

The docket information however is available as part of PACER. PACER (Public Access to Court Electronic

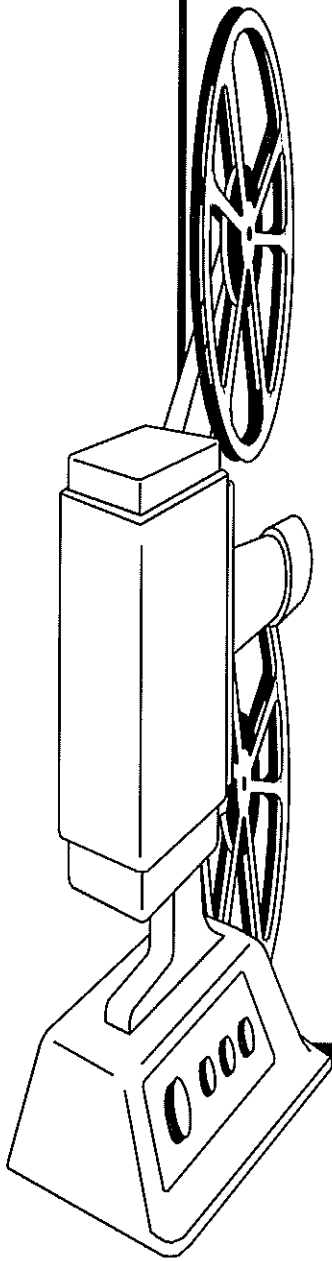


William M. Eggemeier
Assistant Circuit Executive

Records) is a public access service of the federal judiciary that allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy courts, and from the U.S. Party/Case Index. There is a per page charge for PACER information and you must have an account with the PACER Service Center before PACER information is available to you. To find out how to get a PACER account, visit the PACER Service Center on the Internet at: www.pacer.psc.uscourts.gov.



*Reports of the
United States
District Courts
for the
Sixth Circuit*



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY**

2003 ANNUAL REPORT

COURT PERSONNEL.

The District has six active District Judges (the sixth judgeship is shared with the Western District of Kentucky) plus three Senior District Judges. Four of our six jury divisions of the Court have a full-time U.S. Magistrate Judge. There are three full-time Pro Se Law Clerks, 48 employees in the Clerk's Office, and 59 employees in the Probation Division.

SPACE AND FACILITIES.

In April, 2002, the new London Courthouse was occupied by the District Court. The 89,340 square foot award-winning, four-story structure is connected by a plaza with the historic courthouse which, after renovation, is now occupied by the U.S. Bankruptcy Court as well as a Senior District Judge's Chambers. The two new District Chambers and one Magistrate Chambers, all with courtrooms, are occupied by active judges. In addition, the new structure has a Senior Circuit Court of Appeals Judge's Chambers and a new central law library.

Because of a lack of space in the Lexington Courthouse, site and design work on a new courthouse will begin in 2006. The inadequate courthouse at Pikeville is scheduled for replacement with site and design work on a new courthouse scheduled in 2007. Extensive renovations of the Lexington Courthouse have been recently completed with similar renovations scheduled in the Spring of 2004 for the Pikeville and Frankfort Courthouses.

INFORMATION TECHNOLOGY.

In March, 2003, the new Case Management System was activated in conjunction with the Electronic Case Filing System. All new cases as of March 17, 2003, are maintained paperless. Starting November 1, 2003, all civil and criminal filings from the United States Attorney's Office are filed electronically. During the Summer of 2004, electronic filing by the private bar will be offered on a voluntary basis. This initiative will be made in connection with the same activity in the Western District of Kentucky.

During 2003, the following additional electronic programs were activated in the District: FAST financial systems, the Jury Management System, and the ELMO leave program.

Earlier this year the District adopted a strategic plan for Information Technology in order to create a more collaborative IT environment.

COURT HISTORY.

The Library and Miscellaneous Fund of the Court has engaged the services of a law professor at the University of Kentucky to write a history of the Court from 1901 to 2004.

CASE FILINGS

The District has the highest rate of filings of Social Security cases in the United States. The rate of civil actions being filed has decreased slightly in 2003 as compared with 2002. The rate of criminal actions being filed in 2003 compared about the same with 2002 filings. Appended are Exhibits "A" and "B" showing, graphically, caseload statistics from 1994-2002.

US District Court, E.D., Ky

Civil Case Statistics for 1994-2003

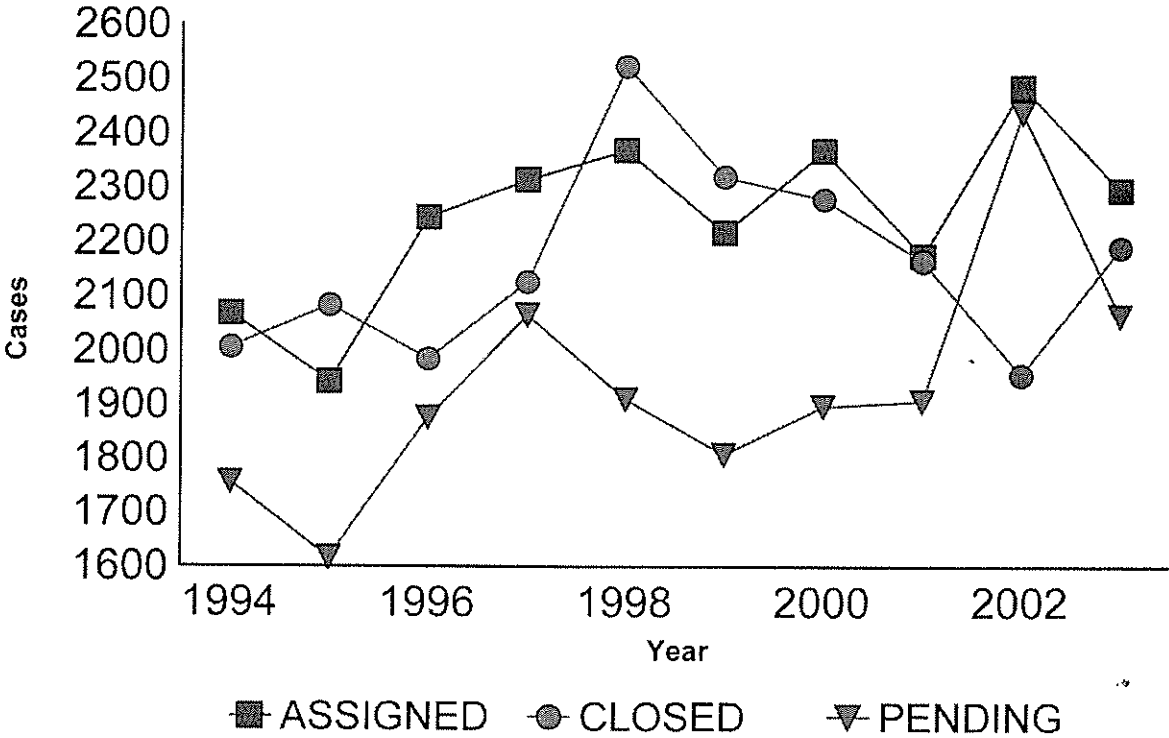


EXHIBIT "A"

US District Court, E.D., Ky

Criminal Case Statistics 1994-2003

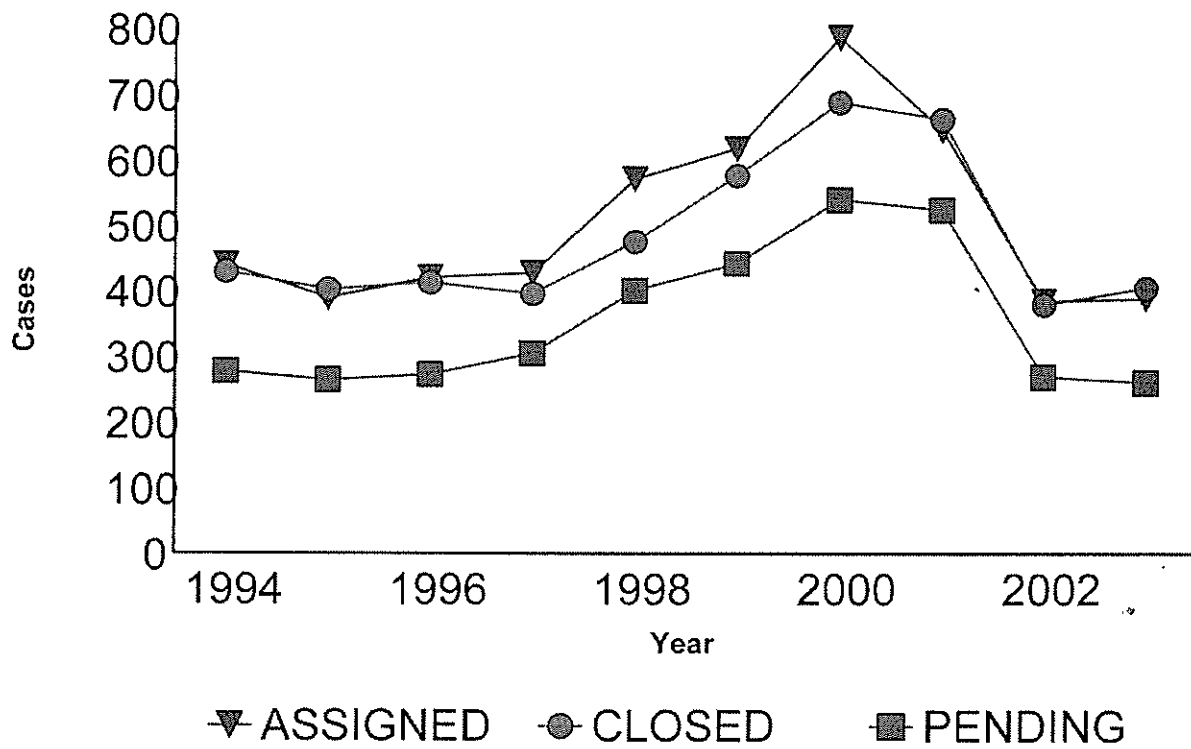
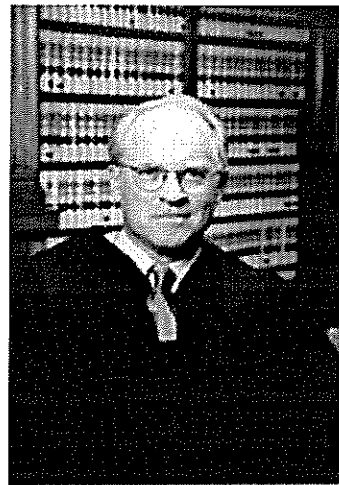


EXHIBIT "B"

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
2004 ANNUAL REPORT**

Over the past two years, the Western District of Kentucky continues its dedication to providing a high level of service to litigants, lawyers and the public. However, the reductions in funding below levels required are making it increasingly difficult to meet our high standards. We are indeed fortunate to have a bench and staff that is making every effort to compensate for the reduction in resources.



*Hon. John G. Heyburn II
Chief Judge*

PERSONNEL.

There have been relatively few changes during this reporting period. Magistrate Judge C. Cleveland Gambill retired from his position as of January 2, 2004, to take the position of Deputy Secretary of the Justice Cabinet for the State of Kentucky. Magistrate Judge Gambill was highly regarded by bench and bar for his settlement skills and sound judicial capabilities. He is greatly missed! Patrick Craig replaced Darrel Gordon as Chief United States Probation Officer on November 18, 2002. Patrick previously served as the Chief Deputy Probation Officer for the district as well as in supervisory and line positions. We are very proud of Mr. Craig and greatly appreciate his record of dedication to the court.

WORKLOAD.

The total filings for the district rose by 6.6% in fiscal year 2003 over fiscal year 2002. There were 1,896 cases filed in 2003 and 1,778 cases filed in fiscal year 2002. Indeed, the total cases filed are at the highest level in the last 10 years. We have been proud of the fact that we are able to maintain a total pending caseload that is below the total filing caseload and our average civil case disposition times are in the top 35% of times measured in the nation. We continue to rely on the immeasurable contributions of Senior Judge Edward H. Johnstone and our outstanding team of District and Magistrate Judges in managing our court's docket in an efficient manner.

The probation office's presentence report workload declined slightly from 396 reports filed in 2002 to 380 reports filed in 2003. Persons under supervision increased from 620 in 2002 to 625 in 2003. The probation office continues to do an outstanding job!

COURT TECHNOLOGY DEVELOPMENTS.

The Western District of Kentucky completed the installation of electronic presentation equipment in courtrooms in Louisville and Paducah. A unique combination of historically preserved courtrooms with the latest in courtroom technology, the courtrooms provide for a more efficient, less cluttered, trial forum for the bench and bar. We also plan to install this equipment in Owensboro and Bowling Green. As you can see from the pictures, we have exquisite facilities.



*Louisville's Courtroom
of the Future*

In August of 2003, we converted from the antiquated ICMS case management system to the new CM/ECF case manage-



*Paducah's Courtroom
of the Future*

ment system. We have converted all data and we are scanning all records into the database. We plan to implement the electronic filing and service components of the system by October 1st of this year.

One important outcome of the CM/ECF project is that the administrative procedures for attorneys are being uniformly implemented in both districts to the greatest extent possible, which is due largely to the efforts of Judge Jennifer B. Coffman and Thomas B. Russell as well as our ECF project managers for the Eastern and Western Districts, Sharon Vrolijk and Barbara Cravens. This is an achievement that should benefit the bar for years to come.

JUDICIAL CONFERENCE COMMITTEES.

Chief Judge Heyburn continues to serve as Chair of the Budget Committee, and has the important duty of presenting the judiciary's budget before committees of the United States Senate and the

House of Representatives. Judge Russell is a member of the Judiciary Conference Committee on Civil Rules, Judge Jennifer B. Coffman, who is also a judge in the Eastern District of Kentucky, is a member of the Judicial Resources Committee of the Judicial Conference and Magistrate Judge James D. Moyer is a member of the Federal-State Jurisdiction.

INTERNATIONAL ACTIVITIES.

The Western District of Kentucky, through the continuing efforts of Judge Charles R. Simpson III, continues to nurture the sister court relationship interest entered into in 2000 with the District Court of Pula. In September of 2003, Judge Simpson, accompanied by Magistrate Judges James Moyer and Cleveland Gambill, attended the annual conference of the Pula District Court. In addition, the Croatian Judges' Association, as host of the European Judges' Association, invited Judge Simpson and Jeff Apperson, our Clerk of Court and President of the Federal Court Clerks' Association, to attend the European Judges' Association's Annual Conference in May of 2003 in Dubrovnik. From there Jeff Apperson went to Serbia/Montenegro where he facilitated training programs for over 150 judges in court administration and case management.

OTHER ACTIVITIES.

In August of 2003, the Administrative Office of the U.S. Courts

sent a team of experts to meet with all court units and related agencies on refreshing our long range space plan. The hours invested were well worth the effort as we now have a blue print that can serve as a reference in consideration of practical possibilities based on the real need for expansion. The court was audited in September with no major deficiencies found and the Continuing Operations Plan for planning for emergency operations is near completion.

It is important to note that the clerk's office is in the process of downsizing at the same time that the caseload is increasing and additional duties are being added due to security concerns and new automation systems' implementation. We are proud of the fact that they have been able to maintain the same high standards in view of increasing budgetary pressures.

In order to increase attendance to the Sixth Circuit Judicial Conference and open learning opportunities for young members of the bar, the Eastern and Western Districts of Kentucky joined to help these young lawyers pay their registration fees for the conference from our library fund. We had 65 lawyers request funding for attending the annual conference.

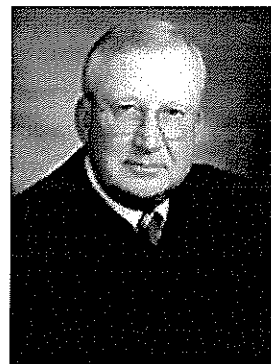
**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

2002/2003 BIENNIAL REPORT

Court Ceremonies.

Within the past two years, the Court has met many times in extraordinary session:

- ▶ On March 28, 2002, Jeffrey G. Collins was sworn in as United States Attorney for the Eastern District of Michigan.
- ▶ On June 10, 2002, a portrait of retired Judge Barbara K. Hackett was received by the District Court. Judge Hackett's portrait hangs in Courtroom 860 of the Theodore Levin United States Courthouse.
- ▶ On July 12, 2002, a portrait of Circuit Judge (and former Chief Judge) Cornelia G. Kennedy was presented to the District Court. Judge Kennedy's portrait hangs in Courtroom 236 of the Theodore Levin United States Courthouse.
- ▶ On October 7, 2002, a ceremony dedicating a portrait of Judge Horace W. Gilmore to the District Court was held. Judge Gilmore's portrait hangs in Courtroom 861 of the Theodore Levin United States



*Hon. Lawrence P. Zatkoff
Chief Judge*

- ▶ Courthouse (the courtroom he occupied for many years).
- ▶ On December 10, 2002, the formal installation of United States Marshal Robert Grubbs was held.
- ▶ On April 24, 2003, a joint formal investiture ceremony was held for three newly-appointed Bankruptcy Judges, Marci McIvor, Phillip Shefferly and Thomas Tucker.

Judicial Officers.

In March 2002, Bankruptcy Judge Steven W. Rhodes was appointed Chief Judge of the Bankruptcy Court for a one-year period beginning April 25, 2002, and ending April 24, 2003. In 2003, he was reappointed for an additional one-year term through April 24, 2004.

Magistrate Judge Donald A. Scheer was reappointed to an additional eight year term beginning March 1, 2002, and ending February 28, 2010.

Attorney R. Steven Whalen was appointed United States Magistrate Judge on September 11, 2002. His eight-year term will expire on September 10, 2010. Magistrate Judge Whalen filled the vacant magistrate judge position created by the resignation of Magistrate Judge Marc L. Goldman.

Magistrate Judge Thomas A. Carlson informed the Court of his intention not to seek reappointment when his current term expired on October 3, 2003. He served three eight-year terms as magistrate judge.

Retired Magistrate Judge Paul J. Komives, who retired in 1997, continues to serve the Court in recall status.

There continues to be two district judge vacancies on the Eastern District of Michigan bench. These vacancies were created in September 2000 and January 2001, when Judges Patrick Duggan and Paul Gadola took senior status. While Judge Thomas Ludington and Judge Daniel Ryan have been nominated to fill these vacancies, no action has been taken by the Senate. When the vacancies are finally filled, the judges will be assigned to Flint and Ann Arbor.

In July 2003, the Court selected Detroit attorney Mona Majzoub to fill the magistrate judge position in Detroit which became vacant upon the retirement of Magistrate Judge Thomas Carlson on October 3, 2003. The Court's selection of Ms. Majzoub was based upon the report submitted by the Merit Selection Panel that recommended five candidates to the Court. The members of the Panel included Attorney Marc Whitefield, Chair; Robert Naftaly, Vice-Chair; Oakland County Circuit Judge James Alexander; United States Attorney Jeffrey Collins; Attorney Alex Parrish; Dr. Arthur Porter and Chief Federal Defender Miriam Siefer. The Panel diligently reviewed more than 70 applications received for the position and interviewed those it determined to be best qualified prior to making its recommendation to the Court.

Our seven senior judges continue to contribute toward the work of the Court. Three of them (Judges Cohn, Duggan and Gadola) receive cases at the same rate as district judges in active service. The remaining senior judges (Judges Feikens, Cook, Taylor and Woods) are assigned cases between 50% and 75% of that of a district judge in active service.

Chief Judge Lawrence P. Zatkoff continues to serve as the district judge representative on the Judicial Conference of the United States. The Judicial Conference, which is the principal policy-

making body of the federal judiciary, meets twice annually, in March and September.

Ralph M. Freeman Foundation.

In 2002 and 2003, the Court continued the late Judge Ralph M. Freeman's legacy of justice, advocacy and civility by presenting scholarships to students at six Michigan law schools and also to students of full-time permanent court employees.

Space and Facilities Projects.

While renovations to the arraignment courtroom on the 1st floor of the Theodore Levin United States Courthouse have been completed, construction of an adjacent Marshals Service detention center continues.

In early 2003, the Court voted to pursue a new court facility in the Eastern District of Michigan at Detroit to house the District Court and all other court-related agencies and the action was communicated to the appropriate approving officials for inclusion in the Five-Year Courthouse Project Plan. The Court was later notified that, due to funding limitations, no new projects will be added to the Plan until such time as sufficient funds have been appropriated to satisfy funding needs in the first year of the Plan. It is the Court's understanding that while the Eastern District of Michigan may not be included

in the Plan at this time, we will be placed on a waiting list.

District-Wide Draw for Social Security and Special Civil Cases.

In the fall of 2003, the Court approved amendments to its Local Rules making permanent a program whereby all social security cases and special civil cases are assigned using a district-wide draw. The program was adopted by the Court in response to a study which indicated that the Northern Division was receiving an unusually high number of social security and special civil case filings.

Court Historical Society.

On May 1, 2002, a dedication ceremony was held to commemorate the grand opening of the Historical Society Museum: The Court and Its History. The museum, which is the first of its kind in the country, chronicles the history of the Eastern District of Michigan, describes its growth, includes profiles of its most famous cases and provides biographical information on judicial officers. The museum, which is located on the 1st floor of the Theodore Levin United States Courthouse at the Lafayette Boulevard lobby entrance, includes permanent and rotating exhibits as a computer kiosk that provides interactive information about the Court and its history.

The Court Historical Society for the Eastern District of Michigan has traditionally managed an oral history program for many years. While a number of oral histories have already been completed, a large number still remain to be done. In 2003, the Court approved an oral history program that will be managed by Judith Christie, former Administrative Manager in the District Court Clerk's Office. Ms. Christie recently retired and has a genuine interest in preserving the history of the Court. She has been active in the Court Historical Society since its inception. Given her background with the Court, her training with Professor Mason and others in conducting oral histories, the Court is confident she will do an excellent job with this program.

Internet Site.

In early 2002, a newly-designed and expanded Internet site for the Court was launched amid favorable reviews. The web site won a Citation of Excellence Award in the category of Interactive Media Business to Consumer from the Flint (Michigan) Area Advertising Federation for 2002.

Security.

Following the tragic events of September 11, 2001, security continues to be in the forefront in the Eastern District of Michigan. A new position has been

created in the United States Marshal Service in each of the 94 district courts across the country. The District Court Security Inspector position is intended to enhance and improve the Marshal Service's ability to provide security to the federal judiciary. The District Court Security Inspector for the Eastern District, Deputy Marshal James Andreski, was placed in the limelight in early 2003 when challenged with providing security for the country's first terrorism-related trial since September 11, 2001. Mr. Andreski led a team of local and visiting deputy United States Marshals and coordinated the personal safety of the judge, juror transportation, and building and courtroom security. His efforts, and those of his colleagues in the Marshal Service, are to be commended.

The Court's Security Committee, chaired by Judge John Corbett O'Meara, continues to meet monthly with the Marshal Service to discuss security concerns and means by which federal court facilities can remain safe for judges, staff and the public.

Case Management/Electronic Case Files (CM/ECF)

The Court began implementation of Case Management / Electronic Case Files, commonly known as CM/ECF, in January 2003. In the very near future, ECF will become part of your daily vocabulary as a federal practitioner. In anticipation of

the implementation of CM/ECF, Chief Judge Lawrence P. Zatkoff appointed an *ad hoc* Committee on Electronic Filing which is chaired by Judge Robert Cleland. The committee, comprised of judicial officers, federal practitioners and court staff, drafted proposed local rules and a Policies and Procedures Manual, governing the Court's participation in ECF.

Court staff have been spending countless hours planning for ECF. During the summer of 2003, an E-Filers Presentation was held in Detroit for local, state and government agencies who regularly do business with the Court and local bar associations. The presentation was very well attended. Similar presentations were also conducted at court locations in Flint, Ann Arbor and Bay City.

Revised "Duty Call" Process.

In January 2002, the Court began to implement an improved arraignment or "duty call" process in Detroit. Under the new system, two courtroom deputy clerks have been assigned as duty call specialists. Working with the magistrate judges, these specialists coordinate all duty-call related activities and act as liaison between federal law enforcement officers and the Court to provide a consistent and organized arraignment process. The full scope of the new process will be evident

with the completion of the Marshal Service's new detention center, currently in process.

Employee Appreciation Day.

Continuing the tradition established in 2001, the Court once again held Employee Appreciation Day in 2002 and 2003. Employee Appreciation Day recognizes the achievements and service of employees. Length of service awards and gifts are provided to eligible court staff. The highlight of the 2002 ceremony was the appearance of the Stanley Cup. Court and judicial staff were given the opportunity to have their photograph taken with this hockey legend.



**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

ANNUAL REPORT

The Western District of Michigan covers 49 counties in the Western half of the lower peninsula and the entire upper peninsula. It contains four courthouses with the court headquarters in Grand Rapids, and divisional offices located in Marquette, Lansing, and Kalamazoo.

The Western District is privileged to have had its four authorized Article III judges together for the past eleven years. In addition to one senior district judge, there are four full-time magistrate judges.

JUDICIAL OFFICERS

District Judges

Robert Holmes Bell, Chief
Richard Alan Enslin
David W. McKeague
Gordon J. Quist
Wendell A. Miles, Senior

Location

Grand Rapids
Kalamazoo
Lansing
Grand Rapids
Grand Rapids

Appointment Date

August 7, 1987
December 27, 1979
February 28, 1992
August 28, 1992
May 9, 1974

Magistrate Judges

Hugh W. Brenneman
Timothy P. Greeley
Joseph G. Scoville
Ellen S. Carmody

Location

Grand Rapids
Marquette
Grand Rapids
Kalamazoo/Grand Rapids

Appointment Date

April 1, 1980
January 11, 1988
January 28, 1988
October 10, 2000

Workload. This past year has witnessed a continuing rise in civil cases. The civil caseload increased 4% over the past year. Of the civil filings, prisoner cases accounted for 34%, an increase of 10% from 2002. The criminal caseload decreased slightly from 2002. More than

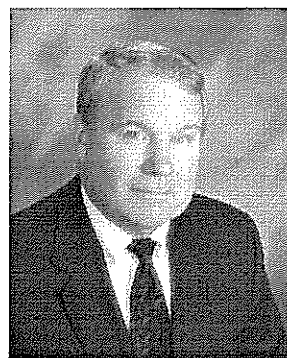
500 appeals were filed in 2003, an increase of 32% from the past year.

Electronic Case Filing (ECF) The year 2003 marked the second calendar year of utilizing Civil Case Management/Electronic Case Filing

System (CM/ECF) with a significant positive response among attorneys. The Court instituted the Case Management side of criminal CM/ECF in November of 2003. The Electronic Case Filing side of criminal CM/ECF will be instituted in March of 2004. By the end of 2003, 933 attorneys were registered to use CM/ECF with 4,232 civil and criminal cases electronically maintained in CM/ECF.

Courtroom Technology. The start of 2003 saw our first state-of-the-art technology courtroom in Lansing for use by Judge David McKeague. By all reports this courtroom's technology has significantly changed the presentation of evidence and lawyer advocacy in both large and small cases. This technology is already changing the trial lawyers' culture of courtroom evidence presentation. The next electronic courtroom is currently under construction in Grand Rapids for Chief Judge Robert Holmes Bell. Chief Judge Bell's courtroom should be completed by fall of 2004.

Space and Facilities. Within the Western District many construction and remodeling projects were studied in recognition of the aging courthouse structures. Due to the inadequate space in the Grand Rapids courthouse it is now on the Five Year Courthouse Project Plan with construction beginning in 2007. The Marquette Courthouse condition and lack



*Hon. Robert Holmes Bell
Chief Judge*

of basic security has placed it, as well, on a long-range Courthouse Project Plan.

Significant Cases. The first federal death penalty case in the Sixth Circuit in decades was conducted by Chief Judge Bell in 2002 captioned *United States v. Charles Marvin Gabrion*. The jury at the conclusion of the penalty phase recommended death. The matter is now on appeal. Considerable resources were expended in defense costs, additional security, jury selection, and length of trial. A second death penalty case, against two brothers, was conducted by Chief Judge Bell in 2003, captioned *United States v. Ostrander*. The jury at the conclusion of the penalty phases recommended life imprisonment without the possibility of release for both brothers. This matter is also on appeal. The stress of such proceedings on all concerned cannot be overstated.

Alternative Dispute Resolution. The Western District offers several methods of

Alternative Dispute Resolution (ADR), in an effort to assist the lawyers and parties. Forty-seven percent of all civil cases are submitted to ADR. The Voluntary Facilitative Mediation (VFM) program has received widespread interest as it is true mediation with a trained lawyer mediator. Approximately two out of three cases submitted to VFM have settled using this approach. Responses to exit questionnaires repeatedly verify both satisfaction with this program and great savings in resources.

Court Historical Society. The Historical Society was formed in 2002 to preserve and showcase the history of the Western District of Michigan for both scholars and the public. In January 2003, the Historical Society issued the first issue of its journal, "Stereoscope," featuring an article about a famous 1914 trial in Grand Rapids involving baseball's reserve clause. An Inaugural Reception and Film Documentary Premiere was held on November 19, 2003 in the Grand Rapids Art Museum, the former federal courthouse for the Western District of Michigan.

Judicial Participation in Conference Committees. The judges of the Western District have consistently assisted other districts needing judicial services. Judge Richard A. Enslin is currently serving as a member of the Judicial Conference Committee on Criminal Law. Judge David

W. McKeague serves both on the Judicial Conference Committee on Defender Services and as an advisor to the Federal Judicial Center Program for Consultations in Dispute Resolution. Judge Gordon J. Quist serves on the Judicial Conference Committee on Codes of Conduct.

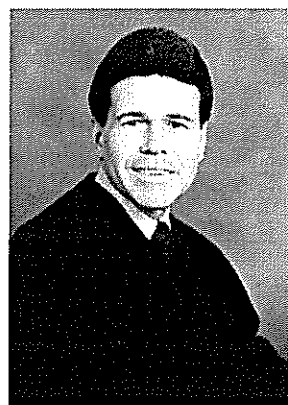


*UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO*

ANNUAL REPORT

Introduction

The past 24 months have been an exciting period for the United States District Court for the Northern District of Ohio. The Court hosted the 2002 Sixth Circuit Judicial Conference in May 2002, opened its new 22-story Carl B. Stokes United States Court House in August 2002, and has since hosted many tours and programs to showcase our beautiful building. Many who attended the 2002 Sixth Circuit Judicial Conference in Cleveland had the opportunity to tour the building as it was nearing completion, but most of the Court House interior space was in an unfinished state at that time. Now that it is complete, the building has exceeded our expectations. Unveiling ceremonies were held in October 2003 for Cleveland Venus, a 37-foot-tall bronze figurative sculpture by Jim Dine, the internationally acclaimed Ohio-born artist. The sculpture was boldly integrated into the building's most prominent elevation and serves as a beacon for the site overlooking the Cuyahoga River. Facilities at other Court locations are also being improved as planning for a new court house in Toledo is now underway, and renovation projects have been completed for district court space in Akron and Youngstown.



*Hon. Paul R. Matia
Chief Judge*

Since the last Sixth Circuit Judicial Conference, the Court has welcomed two new members to the bench, District Judge John R. Adams, sitting in Akron, and Magistrate Judge Kenneth S. McHargh, sitting in Cleveland, and recently bid farewell to Magistrate Judge Jack B. Streepy, who retired after 30 years of dedicated service to the Court. The Court also welcomed new Sixth Circuit Court of Appeals Judge Deborah L. Cook, who resides in Akron in the chambers formerly used by U.S. District Judge Sam H. Bell.

We hosted five Russian judges, including one justice of the Russian Supreme Court, in September 2003 as part of the Open World Russian Leadership Program. The program was so successful that another group of Russian judges will be visiting with us later in May. The Court also

hosted the Court of Appeals for the Federal Circuit during a four-day visit in April 2003.

In October 2003, the district joined with the Southern District of Ohio to conduct our second combined bench-bar conference in Columbus. Conference topics included a Supreme Court update, seminars on intellectual property rights and discussions on continuing cooperation between the two courts. As part of that cooperative spirit, the two courts entered into an attorney admission reciprocity agreement under which attorneys already admitted to practice in one court for at least two years could waive the admissions test or seminar requirement of the other court. About 60 attorneys took the oath of admission to our courts at the close of the conference.

The district continues to work hard to maintain current civil and criminal dockets and has been designated as the transferee court for six Multi-District Litigation matters. The district also continues to take advantage of the benefits of technology through its use of electronic filing and electronic courtroom systems. The district implemented certifying officer legislation in July 2003 when it converted to its new financial management system (FAS4T). The Court also implemented a new automated jury management system (JMS) and began permitting electronic filing in criminal cases starting March 1, 2004.

Northern Ohio. The U.S. District Court for the Northern District of Ohio serves the 5.9 million citizens of the 40 most northern counties in Ohio, with 4.4 million people now residing in the Eastern Division and 1.5 million people residing in the Western Division. With 12 authorized district judgeships, it is among the 17 largest U.S. district courts. The district holds court in Cleveland, Akron, and Youngstown in the Eastern Division and Toledo in the Western Division.

District Judges. The Northern District of Ohio is authorized 12 judgeships, 11 permanent and one temporary. The district has been at full judicial strength since Judge John R. Adams joined the bench in February 2003. The district is fortunate that our four senior judges (Judge John M. Manos, Judge Ann Aldrich, Judge John W. Potter and Judge David D. Dowd, Jr.) share the Court's workload and participate in the case assignment draw. The Court was also pleased that its temporary judgeship was extended for an additional five years toward the end of 2002. The district is unlikely to remain at full strength much longer, however, as Chief Judge Paul R. Matia has announced that he is taking senior status at the close of 2004. Judge James G. Carr, sitting in Toledo, will then become the Chief Judge for our district. Since the beginning of 2003, Judge Carr, Judge David A. Katz, Judge Peter C. Economus, Judge James S. Gwin, Judge Dan A. Polster, Judge Ann Aldrich

and Judge David D. Dowd, Jr. have also been designated to sit on the Sixth Circuit Court of Appeals to assist with the work of that Court during its judgeship shortage. Other recent judicial designations include: Judge Carr, Eastern District of Michigan; Judge Gwin, Southern District of Ohio, Western District of Kentucky and Eastern District of New York; Judge Polster, Western District of Tennessee; and Judge Dowd, Eleventh Circuit Court of Appeals and Western District of Pennsylvania.

Magistrate Judges. The Northern District of Ohio has eight magistrate judges on board, including one on retired-recalled status, with five assigned to Cleveland and one each to Akron, Toledo and Youngstown. Magistrate Judge Jack B. Streepy retired effective at the close of February 29 after serving the Court for 30 years. The district judges selected Kenneth S. McHargh as the new magistrate judge in Cleveland. Magistrate Judge McHargh, who had been with the U.S. Attorney's Office since 1979 and most recently served as the Deputy Chief within the Criminal Division, began his new duties on March 1.

The role of the magistrate judges in the management of civil cases continues to be significant. Magistrate judges were the presiding judicial officers for 494 (14%) of the civil cases that were resolved in 2003. Excluding MDL actions, magistrate judges presided over 10% (282 of 2,792) of the

pending civil docket at the close of 2003. The Court has permitted magistrate judges to accept pleas of guilty in criminal cases upon the consent of all counsel and the defendant since October, 1999. Magistrate judges also help counsel establish budgets for death penalty habeas corpus cases and monitor those budgets on behalf of the Court. Magistrate Judge David S. Perelman has also traveled to the Southern District of Ohio on a regular basis in recent months to assist that Court while it seeks to fill a vacant magistrate judge position.

Magistrate judges participate in Court governance through their membership on Court committees, where their contributions have been invaluable.

Civil Docket. The pending civil caseload increased 25% from 2,844 at the close of 2002 to 3,579 at the end of 2003. Much of the change can be attributed to a 19% increase in civil case filings, particularly an influx of MDL matters filed in the latter part of the year. There were 4,256 non-asbestos civil case filings in 2003 (the second highest total ever) and 3,516 civil case closings in 2003. Due to an imbalance in the civil dockets between judges in our eastern and western divisions, and in order to better distribute the workload of the Court, the district is temporarily assigning newly-filed civil cases arising out of Erie and Huron counties to Eastern Division judges.

Criminal Docket. The Court terminated more criminal cases in 2003 than ever before. The Court also terminated its second highest number of criminal cases ever. The result was a 6.5% decrease in the number of pending criminal cases, from 403 in 2002 to 377 at the close of 2003, and a 9.2% decline in the number of pending criminal defendants, from 721 to 655. There were 517 new criminal cases filed in 2003, a decrease of 8% from 560 in 2002. There were also 900 new criminal defendants in 2003, a decline of 16% from 1,072 in 2002.

MDL Cases. The Northern District of Ohio is now the transferee court for six Multi-District Litigation matters involving several thousand cases. Attorneys have requested that cases be transferred to Northern Ohio because of the district's central location and ease of access, the availability of the Court's electronic filing and electronic courtroom systems, and the priority that judicial officers have provided these matters. One of Judge Kathleen M. O'Malley's three MDL matters, the Welding Rod MDL action, is comprised of over 1,600 pending cases, with more being filed on a regular basis. Judges Peter C. Economus, Donald C. Nugent and James S. Gwin also have MDL matters on their dockets.

Asbestos Docket. Although over 10,841 asbestos cases were filed in this district as recently as 2001, the number of asbestos

case filings is no longer significant. Filings in the maritime asbestos litigation tumbled 97% from 1,211 in 2002 to 38 in 2003. That follows an 89% decline in maritime asbestos filings from 2001 to 2002. While all asbestos cases in the federal courts have been transferred to the Eastern District of Pennsylvania for pretrial supervision under Multi-District Litigation, asbestos cases continue to be filed and docketed in the originating courts. The district still maintains the records in over 59,000 asbestos cases. In addition, those few cases that do proceed to trial are transferred back to the originating courts for those proceedings. About a half dozen cases have been returned here for trial.

Civil Justice Reform Act. Much of the district's success in maintaining current dockets during times of record level civil case filings can be attributed to the case management programs adopted by the Court pursuant to its role as a Demonstration District under the Civil Justice Reform Act of 1990. Under that program, the district adopted a Differentiated Case Management (DCM) Plan, a wide menu of Alternative Dispute Resolution (ADR) options and a Pending Inventory Reduction Plan (PIRP) to manage its civil caseload. These programs have proven highly successful and remain popular with the bench and the bar. Since these programs were initiated, the number of cases three years and older has been reduced by over 82% and the number of

motions pending six months or longer has declined by 86%.

Electronic Case Filing. The Northern District of Ohio is proud to have been the first Court ever to permit attorneys to file documents over the Internet. Since the district first pioneered the system in 1996, it has been adopted by over 40 district courts and 60 bankruptcy courts around the country. The Case Management / Electronic Case File (CM/ECF) system permits users to file and view documents 24 hours a day, 7 days a week. Over 4,100 attorneys, representing over 1,600 firms and solo practitioners, have electronically filed over 300,000 documents with this Court. Following conversion of the data that had been stored in our old ICMS docketing system, the Court now has records for 125,000 traditional civil, criminal and asbestos cases available online. The Court also began permitting attorneys to file electronically in criminal cases starting March 1, 2004. Benefits to attorneys include instant e-mail notification whenever a document is filed in their case, potential savings in copying, courier and noticing costs, and the ability to file documents whenever they are ready to do so. Benefits to the Court include concurrent access to documents, immediate entry to the docket sheet upon filing, and a substantial savings in postage fees. We are proud of our Clerk's Office for having mentored several other district courts (Michigan Western, Indiana

Southern, Massachusetts, Middle Pennsylvania, Southern Ohio, Eastern Tennessee and West Virginia Southern) that have successfully implemented the system or that are close to doing so. We congratulate the Southern District of Ohio for having the quickest start of any district court in the history of CM/ECF, with over 2,000 electronic filings by attorneys in their first month.

Emergency Planning . The emphasis placed on security and emergency planning since September 11 continues to have a significant impact on the daily activities of the district. The Court has updated its Occupant Emergency Plans for all its locations. The Court conducts annual evacuation drills and has developed a Shelter-in-Place protocol for the Cleveland court house. All mail is opened in secure rooms in each building, and all deliveries are screened. Staff have attended training and have developed a preliminary Continuity of Operations Plan (COOP). Building Security Committees meet regularly to communicate security issues with all tenants.

New Cleveland Court House. The Court moved into the beautiful new Carl B. Stokes United States Court House in Cleveland in August 2002. The Court family had worked with the General Services Administration for over 10 years to bring the new court house to fruition,

and we are very gratified that our offices are under one roof once again. The Senior District Judges, the Circuit Judges, the U.S. District Court Clerk's automation department, the U.S. Probation Office, the U.S. Pretrial Services Office, and the U.S. Attorney's Office, each of which had been located in leased space, joined the rest of the Court family in moving into the new courthouse. Benefits of the move include the elimination of costly leased space and greatly increased security, life-safety systems, efficiencies of operations and communications, state-of-the-art technology and sufficient space for our offices and court functions. The court house is directly connected to Tower City Center, providing easy access for attorneys, jurors, witnesses and court personnel to transit lines, restaurants, parking and retail.

The Thomas D. Lambros U.S. Court House. With the relocation of the U.S. Bankruptcy Court into their new court house in Youngstown, GSA completed the work in 2003 for renovation of the former bankruptcy courtroom for the district court magistrate judge, as well as the construction of a jury deliberation suite for the magistrate judge, and construction of U.S. Probation's offices in the former Bankruptcy Clerk's space. Pretrial Services moved into former Probation Office space.

New Toledo Court House. Congress

approved FY2004 funding for site improvements and design of a new court house in Toledo. The Court is working with GSA to begin the design process. The new court house will provide the Court with greatly increased security, life-safety systems, efficiencies of operations and communications, state of the art technology and sufficient space for our offices and Court functions. GSA had previously negotiated a land exchange with the City of Toledo for a parcel of property on the Civic Mall adjacent to the existing court house for the site of the new building. The existing court house will be renovated for the U.S. Bankruptcy Court and other related federal agencies.

The Howard M. Metzenbaum Court House. A prospectus level renovation project is now underway at the historic Howard M. Metzenbaum Court House in Cleveland to accommodate the U.S. Bankruptcy Court, which will be moving from its leased space to become the primary tenant. The two historic U.S. District Court chambers, which are adjacent to the District Court's ceremonial courtrooms, will be updated. The project also provides for restoration of some of the most architecturally significant public spaces in the building and a building-wide modernization of the HVAC, plumbing, fire/life safety, lighting and power systems. The project completion date is June 2005.

Facilities. Since the establishment and funding by the Administrative Office of a Cyclical Replacement/Maintenance Program for court-occupied space beginning in 2001, the Court has been able to address needs in the Akron, Toledo and Youngstown court houses. Our cyclical replacement plan included replacing old carpeting, ceiling tile, and lighting in judicial offices, where needed, as well as jury assembly rooms and Clerk's Office space.

Electronic Courtrooms. The Northern District of Ohio has seven electronic courtrooms, with four in Cleveland and one each in Akron, Toledo and Youngstown. The courtrooms are in regular use throughout the year by all judicial officers and have contributed to substantial savings of trial time. The district strives to provide litigants with the best facilities available to assist in the efficient administration of justice. Each electronic courtroom has an evidence presentation system, through which counsel can display exhibits, video recordings or multimedia presentations and view realtime transcripts with the push of a button. The systems include a document camera for displaying documents, x-rays and three-dimensional objects; 15" flat-panel video displays on counsel tables, the judge's bench and between jurors; VGA connections to display documents, multimedia presentations or images from a portable computer on any monitor in the

courtroom; technology-ready counsel tables; realtime court reporter transcription; a visual image printer to produce 3" x 5" prints of any image displayed through the system; annotation devices which permit on-screen drawing and highlighting to emphasize specific details of evidence; a videocassette recorder; and infrared equipment for listening assistance and language translation. The Court recently participated in a study conducted by RossDrulisCusenbery Architecture, Inc. and Charles Salter Associates on behalf of the Administrative Office of the Court's technology program, to better provide the judiciary with cost effective courtroom technology systems and improve design and installation services.

Video Conferencing and Satellite Reception. The district has had video conferencing and satellite reception equipment at each court location since January, 1999. Video conferencing is available in at least 3 fixed locations within each court house. Supplemental portable video conferencing equipment has also been procured for each office. The equipment has been used for remote witness testimony, prisoner video conferencing, arraignments, judges' meetings, Clerk's Office meetings, and participation in long-distance learning programs offered by the Administrative Office and the Federal Judicial Center. The Court will soon be participating in an

AO capital construction video conference on court house design for the Toledo court house, a program which in the past required participants to travel to the location of the seminar. The Court has saved significant amounts of travel time and costs through electronic participation in these events. Savings have also been achieved by other courts and the U.S. Marshal Service who have, upon occasion, brought prisoners held in nearby facilities to this Court to participate in oral argument on a motion via video conferences, rather than flying the prisoners to other court locations.

Juror Utilization. This Court utilizes pro-active juror management techniques such as staggering trial start times, pooling jurors, using multiple voir dire and assessing jury costs for late settlements. Our juror utilization rate for 2003 was 25% not utilized on the first day of service, which was better than the Judicial Conference goal of 30% not utilized. For the year ending September 30, 2003, Northern Ohio had the best jury utilization in the 6th Circuit and the 2nd best in the nation for courts with 6 or more active Article III Judges in one location. The district has achieved this success through a concentrated effort among judicial officers, court staff, and jury clerks.

Juror Morale. The Court conducts exit surveys of all seated jurors and shares the results with the Judicial Officers in order

to maintain high juror morale. Information about jury service and other items of interest to jurors is posted on the Court's web site. Included are the juror handbook, answers to frequently asked questions, maps, hotel listings, parking facilities, restaurant listings and a convenient link which allows jurors to e-mail the jury administrator directly. Public transportation schedules are also made available in our jury assembly rooms. The Court provides cable/satellite transmission of television to all jury rooms, where television reception previously had been very poor. New jurors are offered coffee, and healthy snacks are provided to seated petit and grand jurors. The exit questionnaires show that jurors are very appreciative of these efforts.

Naturalization of New Citizens. The Court administered the oath of allegiance to 1,384 new citizens in 2003. In Cleveland, ceremonies are held twice per month, and in Toledo, naturalization ceremonies were conducted monthly. Five special ceremonies were also held at public locations in the district. The district has improved its efficiency in distributing notices to new citizens, saving the Court postage and manpower.

Court Recording. The Northern District of Ohio employs 12 official court reporters and one full-time Electronic Court Recorder (ECR), assisted on a regular basis by a variety of deputy clerks, to serve

its 24 judicial officers. By pooling court reporters, the district is able to save thousands of dollars in contract court reporter fees each year. Official court reporters in Cleveland are placed on a one-month assignment to a district judge, and reporters in Akron, Toledo and Youngstown are assigned by the court reporter supervisor in a manner which efficiently meets the needs of the judges. Court reporters frequently travel to other court locations to assist in providing coverage to judicial officers. The court has established a goal that all court reporters become realtime certified. Currently, ten of the twelve court reporters are Certified Realtime Reporters.

Digital Audio. The Northern District of Ohio has installed FTR Gold digital audio recording equipment in each Magistrate Judge courtroom in Toledo, Akron, and Youngstown and in every courtroom in the new Cleveland court house. Software has been installed on laptop computers, and user training has been provided to both operators and Magistrate Judges.

Clerk's Office. Our Clerk's Office supports 24 judicial officers and its automation department supports 468 desktop and laptop computers and 24 file servers. The Office has taken a leadership role in the implementation of electronic filing and video conferencing, the installation of electronic courtrooms, the installation of audio-digital recording

equipment, and the renovation of Court facilities, including the construction of and move into the new Carl B. Stokes Court House. Since the move, the Clerk's Office has also implemented a new financial management system (FAS4T) and a new jury management system (JMS). The Clerk's Office is proud of its Internet web site, as well as its internal intranet, both of which provide a wealth of information on activities and procedures of the Court, particularly as they relate to electronic filing. For FY 2004, the Clerk's Office is allocated 89.1 work units, down from 101.8 in FY 2003 and 120.5 work units from FY 2002. The decreases were caused by the substantial reduction in asbestos case filings during prior years. The Clerk's Office FY 2004 allocation for personnel and operations for FY 2004 was reduced 7.3% or \$574,000 from what we received for FY 2003. Despite the substantial drop in authorized work units and budget allotments, no layoffs have been necessary because the Clerk's Office never hired up to its authorized level, since it knew that asbestos case filings were likely to fluctuate widely. Through the years, this permitted the Court to return substantial amounts of money to the Administrative Office. Currently, the Clerk's Office has 95 individuals (93.5 work units) on board. By primary duty, the office is comprised of 24 courtroom deputies, 17 docket clerks, 12 administrative and operational managers and supervisors (including the Clerk), 10 automation staff, 6 intake staff,

5 jury staff, 4 space, property and procurement staff, 4 finance staff, 2 personnel staff, 2 appeals clerks, 2 ADR staff, a court reporter supervisor, an ECRO operator, an attorney admissions clerk, an administrative analyst, a secretary, a records clerk and a pro se/naturalization clerk.

The Clerk's Office is also proud of its alumni who now hold significant positions in other districts, including David Weaver, Court Administrator / Clerk, Eastern District of Michigan; Keith Throckmorton, Clerk, Middle District of Tennessee; Stephan Harris, Chief Deputy Clerk, Wyoming; Eric Hogue, Division Manager, Middle District of Florida; and Mark Blazenyak, Systems Manager, Middle District of Tennessee. Each of those individuals played a major role in the development of our Clerk's Office during their tenure with this Court, and we continue to wish them well.

Probation Office. In FY 2003, there was a 2% growth in presentence reports (923) and a 1% increase in the number of cases on supervision (1,793). The minimal increase in supervision cases was a direct result of a greater number of cases being terminated early. The Probation Office continued to offer to the Court a variety of ways of managing offenders in the community. A total of \$802,897 was spent on drug and alcohol treatment, while \$296,280 was directed to mental health

treatment. Home confinement with electronic monitoring placement was at 200 offenders for the year. Approximately half of the home confinement cost (\$43,375 of \$85,416) was funded through offender payments. The Court approved a search and seizure policy for managing high-risk cases. Emphasis was also placed on preparing staff to supervise the rising number of computer crime/child porn cases.

Pretrial Services Office. During FY 2003, 903 cases were activated, and 1,006 cases were closed. At year end, 263 defendants were on supervision, and 426 defendants were removed from supervision during the year. There were 522 total cases, and 358 new cases, with conditions of release for drug testing and/or treatment, mental health treatment, and residential placement. Expenditures for these "alternatives to detention" services totaled \$385,505. There were also 143 electronic monitoring cases supervised, costing \$55,195, with defendants contributing \$5,384 as self-pays toward their release order. Staff had 1,850 hours of training in 42 programs. The Court continued to approve drug testing of defendants prior to their initial appearance if the defendant voluntarily consents to the test. The Youngstown Pretrial Services Office moved into new space previously occupied by the Probation Office.

Training. The Northern District of Ohio is

committed to the professional development of its staff. The district has had a Joint Court Unit Training Committee since 1993 and a Joint Unit Automation Sub-Committee since 1996, consisting of staff from the Clerk's Office, Probation Office, Pretrial Services Office and Bankruptcy Court. These committees work together to ensure that training resources are utilized wisely and efficiently. A two-day training seminar for all Clerk's Office staff, court reporters and judicial assistants / secretaries was held in April 2003 which focused on leadership skills, customer service, managing change and continuity of operations planning. The district also participated in the AO's Heritage Celebration Series by holding our 2nd annual African-American Heritage Ceremonies in both Toledo and Cleveland this past February. We also look forward to the Hispanic Heritage Celebration to be held this fall.

Advisory Group. One of the most positive aspects of the Civil Justice Reform Act process was the creation of the CJRA Advisory Group. That group provided an avenue for a continuing dialog between the bench and the bar on effective case management and other issues of interest. Although courts are no longer required to have an advisory group in place, the Northern District of Ohio has followed the recommendation of the Judicial Conference that the advisory group process be continued. The mission of the

Advisory Group for the Northern District of Ohio is to cover all matters of interest, whether civil or criminal, to the bench and the bar. The group meets with the judges semiannually in May and October and has established several committees that meet independently throughout the year. Committees include Civil Rules & Procedures; Criminal Rules & Procedures; Alternative Dispute Resolution; Professionalism, Mentoring & Training; Technology; Magistrate Judge Utilization and New Court House. The continued support of the Advisory Group has proven invaluable to the Court.



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

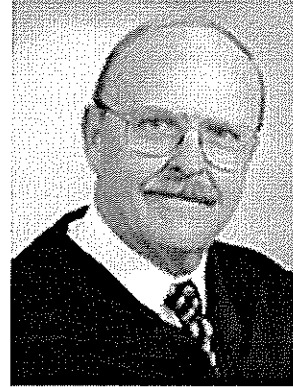
ANNUAL REPORT

Judiciary.

The Honorable James L. Graham became Chief Judge in the fall of 2003, replacing the Honorable Walter Herbert Rice in that judicial position. In addition, 2003 saw the investiture of the Honorable Gregory L. Frost. Chief Judge James L. Graham, Columbus, has announced that he will take senior status in 2004. The Honorable Sandra S. Beckwith, Cincinnati, will succeed Judge Graham as the new Chief Judge. Cincinnati will also receive a new Magistrate Judge in 2004 who will replace the Honorable Jack Sherman, retired.

Personnel.

Mr. James Bonini was sworn in as Clerk of the Court for the Southern District of Ohio on December 8, 2003, after having served as the Clerk of the Bankruptcy Court for the Northern District of Indiana for seven plus (7+) years. He succeeds Kenneth J. Murphy, who was Clerk from March 21, 1983, until October 31, 2003. Mr. Bonini has a management philosophy that invites suggestions and recommendations from staff and the bar to encourage participation in court management.



*Hon. James L. Graham
Chief Judge*

In 2003, the Southern District of Ohio experienced other significant personnel changes. Former Chief U.S. Pretrial Services Officer, Jeffrey Burkholder, transferred to the Western District of Missouri in 2002. Mr. Burkholder became Chief U.S. Pretrial Services in January of 1990, and served in that position until November 11, 2002. Mrs. Melanie Furry, Supervising U.S. Pretrial Services Officer, served as Interim Chief until Mrs. Holly Renner High was appointed as Chief United States Pretrial Services Officer, on May 9, 2003.

Also in 2003, David E. Miller, Chief U.S. Probation Officer, announced his retirement after 28 years as a U.S. Probation Officer and eleven years of that time having served as Chief U.S.

Probation Officer. Mr. Miller was appointed on March 1, 1976 and retired on January 2, 2004. On January 5, 2004, Mr. Miller was succeeded by C. Patrick Crowley, who was appointed a U.S. Probation Officer on August 29, 1983.

The Court will undergo a major re-organization in FY '04, which will result in a streamlined management structure and an increase in front line personnel. The court was visited by a Court Management Assistance Team from the Administrative Office of the United States Courts. The Clerk believes such visits are a valuable resource for the Court for organizational analysis purposes and to make pointed and analytical recommendations. A second part of the visit will occur in the late spring with a subsequent report to be issued which will detail the findings and final recommendations of the team.

Automation.

The Court went "live" with CM/ECF, criminal and civil, on September 1, 2003. This "live date" was the result of over fourteen (14) months of implementation planning. The court's legacy system, ICMS, was converted to the new system. By year's end, over 3,000 attorneys were registered users of the electronic case filing system. At present, approximately 40% of all entries submitted electronically are from members of the bar.

The court's website, www.ohsd.uscourts.gov, offers on-line account registrations, on-line training class registrations, reference materials, and a link to the Pacer Service Center. Training classes are held weekly in each seat-of-the-court. Through our Awareness and Communication Committee, attorneys and their staff are encouraged to attend training sessions. In 2003, over 800 CM/ECF users were trained on the system. IT is expected that electronic filings will eventually exceed 80% of all court filings and that the number of trained users will continue to grow.

Facilities.

In addition to position and processing changes, the Court is undergoing facility alterations as well. In Dayton, preparations for two (2) new magistrate judge chambers, courtrooms, and an Alternative Dispute Resolution "ADR" suite are underway. The completion date for the ADR suite is projected for 2005. In Cincinnati, the courthouse renovation project, begun in July, will result in additional chambers space for Judge Sandra S. Beckwith on the eighth floor and new chambers for Judge Susan J. Dlott on the second floor. Judge Dlott will also have a new courtroom on the first floor. The Clerk's Office will be moving from the 3rd floor to the 1st floor into newly constructed space. Finally, in Columbus,

things have been relatively quiet following Judge Algenon L. Marbley's move to the newly refurbished third floor ceremonial courtroom and chambers. In terms of future plans, there is the potential for the creation of courtroom and/or chambers space in all (3) seats of court.

Southern District of Ohio History.

We eagerly await the publication of a volume detailing the history of the Southern District of Ohio. Dr. Roberta Alexander, Professor of History at the University of Dayton, has submitted a draft of "A Place of Recourse: A History of U.S. District Court for the Southern District of Ohio, 1803-2003," to the publisher for stylistic comments. This highly anticipated work will be available to the judiciary and the public in the near future.

Statistics.

The statistics for calendar year 2003 show civil and criminal cases filed, terminated, and criminal defendants charged and terminated. For the District, our civil case filings decreased by 6% for a total of 2,687 for calendar year 2003; however, the Court terminated 2,737 civil cases for an increase of 3%. On the criminal case side, 543 cases were filed for an 8% increase over calendar year 2002. A total of 511 criminal cases were terminated for a 17%

increase. As an adjunct to the criminal case data, 695 criminal defendants were charged with 658 being terminated. The charge and termination increases were 9% and 16% respectively.

Conclusion.

The Court made significant accomplishments in calendar year 2003 and many more are anticipated for 2004. We look forward to adapting to new management strategies, and automation innovations in order to continue to provide our organization and the public with the most current tools and processes available to meet the Court's future demands.



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

2003 ANNUAL REPORT

R. Allan Edgar, Chief Judge

PERSONNEL - We experienced a year of unprecedented change in judicial officers. During the last year, three new U.S. District Judges were appointed and one new U.S. Magistrate Judge was appointed. In addition, we received authorization for a new U.S. Magistrate Judge position in the Chattanooga Division.



*Hon. R. Allan Edgar
Chief Judge*

The new U.S. District Judges are: the Honorable Thomas W. Phillips, appointed in November 2002, sitting in the Knoxville Division; the Honorable Thomas A. Varlan, appointed in March 2003, sitting in the Knoxville Division and the Honorable J. Ronnie Greer, appointed in July 2003, sitting in the Greeneville Division. The district judges also appointed the Honorable H. Bruce Guyton to replace Judge Phillips as U.S. Magistrate Judge in the Knoxville Division, in June 2003.

Pending the appointment of Magistrate Judge Guyton and District Judge Varlan from November 2002 through June 2003, we obtained the services of several recalled magistrate judges, whose assist-

ance was invaluable in keeping up with the workload. In addition, the three senior district judges, Judge James H. Jarvis, Judge Thomas Gray Hull and Judge Leon Jordan, rendered significant assistance and continue to handle a substantial caseload for the district.

In September 2003, the Judicial Conference approved a new magistrate judge position for the Chattanooga Division. A Merit Selection Panel has been formed and is in the process of reviewing applications. We expect to receive their recommendation of five candidates by April 2004. The district judges expect to make their final selection shortly thereafter.

WORKLOAD - Our caseload has increased significantly over the past year. We had 1763 civil cases filed as of December 31, 2003, a 7% increase over December 2002. Our criminal caseload increased 9%, from 529 cases filed in 2002 to 579 cases filed in 2003. Our criminal defendants increased 18%, from 781 defendants in 2002 to 925 defendants in 2003. In comparison, on a national basis civil cases decreased by 5.1%, criminal cases increased by 9.5%, and criminal defendants increased by 8.9% for the year ending June 30, 2003.

As of September 30, 2003, our total filings per judgeship were 475, which placed our court 4th in the circuit and 44th in the nation in total filings per judgeship. In weighted case filings, we were 1st in the circuit and 16th in the nation with 627 weighted filings per judgeship. We continue to handle our caseload expeditiously. The median time from filing to trial in civil actions was 16.3 months, down from 21.5 months in 2002, placing our court 1st in the circuit and 9th in the nation. In criminal trials, the median time from filing to disposition is 6.5 months, down from 7.7 months in 2002, placing our court 1st in the circuit and 28th in the nation.

In addition to our heavy docket, several high-profile, complex cases were filed in our court in the past year. One such case was *U.S.A. v. Tyson Foods, Inc.*, a criminal

case alleging that Tyson Foods and six individuals violated immigration and other laws. Chief Judge R. Allan Edgar presided over the 26-day trial. The trial was covered by the national media and generated publicity in national newspapers and television. Two defendants pleaded guilty, three were acquitted, and one defendant died before trial.

In September 2003, our court was designated a multi-district litigation (MDL) court for cases against Unum Provident alleging violations of ERISA, federal security laws, and state law. There are 25 MDL cases with 20 named defendants and 30 named plaintiffs who seek to represent classes that could include hundreds or thousands of individuals or entities. Judge Curtis L. Collier is handling these cases with the assistance of Magistrate Judges William B. Mitchell Carter and C. Clifford Shirley, Jr.

COURT AUTOMATION PROJECTS - Our court continues to stay in the forefront of courtroom technology. We completed installation of state-of-the art technology equipment in Chief Judge Edgar's courtroom in our Chattanooga courthouse in January 2003. The equipment includes: new infrared sound system, digital evidence presentation unit, "John Madden" touch panel, flat screen monitors for counsel, judge, courtroom deputy, and witness and a 52" flat screen monitor for

the jurors. This is the second state-of-the-art technology-equipped courtroom in our district. The first was installed in our Greeneville courthouse, which was completed in 2001. We have upgraded all of our courtrooms to include access to digital evidence presentation units, and flat screen monitors for the judge, counsel, courtroom deputies, jurors, and witness. We also have worked closely with the bar associations in each division to present seminars for attorneys on use of courtroom technology equipment.

Our court joined Wave 15 of the CM/ECF implementation project in July 2003. A kick-off meeting with the AO Implementation Team was held in September 2003 and the excitement, enthusiasm, and hard work of court staff has been building since. Staff have made numerous presentations to local bar associations and other legal groups about CM/ECF, have worked with a committee of attorneys from across the district to develop policies and procedures applicable to electronic filing, have completed our CM/ECF dictionary, and are preparing to train attorneys on how to use the system. Our court is well on its way to completing all steps leading to our "Go Live" date in mid-May 2004.

COURTHOUSE FACILITIES - We extensively renovated chambers in our Knoxville courthouse, including designing

and building out new chambers for the two new district judges, renovating magistrate judge chambers, building out space on the second floor to house law clerks and the shared library, and re-carpeting the judges' floor. With regard to the shared library, we reduced the number of duplicate holdings of library collections in an effort to lower costs of library materials and better manage our collections. The duplicate holdings were offered to other federal agencies and were donated to charitable organizations where there was no interest from federal agencies.

The Building Owners and Managers Association International (BOMA) selected the Knoxville Courthouse for the TOBY award in the Government Building category in summer 2003. The TOBY award recognizes excellence in building management, operational efficiency, tenant retention, emergency planning, and community impact.

CENTRAL VIOLATION BUREAU (CVB) CASES - We have a heavy docket of petty offense and misdemeanor cases occurring on federal property, such as the Great Smoky Mountains National Park, Big South Fork National Recreation Area, etc. Working with the local U.S. Attorney's Office and the AO CVB unit in San Antonio, Texas, under the leadership of Chief Magistrate Judge Dennis H. Inman, we streamlined the CVB process to

reduce the time required for closing out these cases. We adopted procedures to reduce the amount of time required to process these cases by: sending mandatory tickets to the CVB to prepare the docket and handle the scheduling of the first re-setting of the case; setting up a voice mail telephone system to answer routine inquiries or to direct inquiries to the proper party (e.g., U.S. Attorney's Office); and developed forms and orders to be completed in court for efficiency. In a separate initiative, our Chattanooga Division, over a period of two years, reduced the pending CVB caseload from 364 cases to 4 cases.

FINANCIAL MATTERS - All court units participated in FAS₄T certifying officer training in March 2003, and the AO approved our court for implementation. Certifying officer makes each court unit responsible for their own financial transactions, but the Clerk's Office still issues the checks to pay vouchers. The court went live on May 1, 2003, and found that implementation has saved time and expense by reducing the amount of copying of financial paperwork for each court unit. We also recently implemented the web-based version of FAS₄T.

COURT SECURITY PLAN - In accordance with the *Guide to Judiciary Policies and Procedures*, Ch. IX, we developed a District-Wide Court Security

Plan that sets forth the responsibilities of the Court Security Committee to protect judicial facilities, officers and employees across the district. We developed the Plan after failing to find another Plan to use as a model, and we believe our Plan may be the first of its kind.

CONTINUITY OF OPERATIONS (COOP) PLAN - The COOP Plan for chambers and the Clerk's Office was adopted by the court effective December 11, 2003. It applies to emergency situations that result in major damage to the courthouse or cause the loss of the ability to conduct court business in a courthouse in the district. The Plan sets forth detailed procedures to enable the court to establish emergency operations within twelve hours after a disaster occurs, and to develop a recovery plan to restore normal operations within a reasonable time frame. Copies of the Plan were provided to other court units to facilitate their development of complementary plans.

WEB SITE - We continue to develop our Web site to provide useful information to the bar and public. We are participating in the Courtroom Information Project (CIP), a part of the Courtroom 21 Project located at the College of William and Mary. The CIP offers on-line photographs and information on each participating courts' available courtroom technology. Attorneys from across the country can find

out about the technology offered in our courtrooms and the layout of our courtrooms without having to leave their offices. We also have worked with the state courts to assist them in obtaining information about CIP for their use. Attorneys have expressed much interest in our participation in this project.

Another new feature on our Web site favored by attorneys is our Judicial Preferences site. This site sets forth the judges' preferences on various matters such as correspondence from counsel, communication with law clerks, *voir dire*, discovery and much more.

COMMUNITY PROJECTS - The Knoxville and Chattanooga Divisions participated in the Open Doors to Justice Program, "Jury Service: A Rite of Passage." Judge Collier and Magistrate Judge Shirley worked with staff from the court units and the U.S. Attorney's Office to provide an excellent learning experience for local high school students about our system of justice and the important role of jurors.

FALL CONFERENCE - The court held an educational conference for all chambers and Clerk's Office staff across the district. A CLE program was offered to judges and law clerks on discovery of information stored electronically and a program on dealing with change was offered to Clerk's

Office staff and court reporters. New judges and employees were introduced and fellowship was enjoyed by all.

SHARING RESOURCES - Our automation staff coordinated installation of the new version of Lotus Notes 6 for all court units and continued to provide computer support to other court units in network services and computer security.

TRAINING - We place special emphasis on training employees to keep abreast of the skills needed to meet the needs of the ever-changing requirements of the workplace. In 2003, 47 employees of the Clerk's Office received a combined total of 1,680 training hours.



**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

ANNUAL REPORT

United States District Judges:

Honorable Robert L. Echols, Chief Judge
Honorable Todd Campbell
Honorable Aleta A. Trauger
Honorable Williams J. Haynes, Jr.

Senior United States District Judges:

Honorable Thomas A. Wiseman, Jr.
Honorable John T. Nixon
Honorable Thomas A. Higgins

United States Magistrate Judges:

Honorable Juliet Griffin
Honorable Joe B. Brown
Honorable Cliff Knowles

United States Bankruptcy Judges:

Honorable George C. Paine, Chief Judge
Honorable Keith Lundin
Honorable Marian Harrison

The Court appointed Keith Throckmorton as the new Clerk of Court on August 11, 2003. Mr. Throckmorton is from Akron, Ohio, and served as information Resources Manager for the Northern District of Ohio, which has implemented

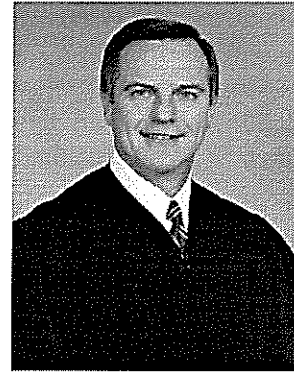
electronic filing. His automation experience in that court will be of valuable assistance in the Middle District of Tennessee as we move to implement CM/ECF in 2004.

Court Workload:

- There are approximately 1,590 pending civil cases and 260 criminal cases. The number of criminal defendants, a more accurate indicator of the Court's criminal workload, is 400.
- Overall filings increased from 1,775 to 1,928, an increase of 8.6%, the largest percentage increase in the circuit. The Court's total filings per judgeship (482) rank third in the circuit.
- The judges in the Middle District continue to try a lot of cases. In 2003, the district was third in the nation in the number of trials completed per judgeship, far above the national average (39 v. 19). The district has conducted more trials during each of the last seven

years than any other district in the Sixth Circuit.

- The median time to process a civil case from filing to disposition is 12.5 months. The median time to dispose of a criminal case is 10.3 months.
- The total weighted civil and criminal filings per judge has significantly increased in recent years from 438 in 1998 to 561 in 2003. This is second in the circuit and considerably higher than the national average of 523.
- A. The Middle District is part of a multi-state high intensity drug traffic area with an increasing number of multi-defendant drug conspiracy cases. Since 1994, the number of criminal drug cases has grown by 203% (from 29 in 1994 to 88 in 2002).
- The Court administered the oath of allegiance to 1,156 new citizens in 2003. Ceremonies are conducted at least twice a month in Nashville. In recognition of citizenship week in September, Judge Thomas A. Wiseman presided over a special naturalization ceremony on the front lawn of The Hermitage, home of President Andrew Jackson.



*Hon. Robert L. Echols
Chief Judge*

Recent Developments:

- Chief Judge Robert Echols continues to spend a great deal of time working on the new courthouse in Nashville. A downtown site has been selected and funds have been appropriated by Congress for acquisition of the land and design of the building. The architect is finalizing the exterior design of the building and floor space and is working with the contractor and GSA to agree on the budget. Slowly, progress is being made.

- CM/ECF training and implementation begins in May and the district is scheduled to go live in March of 2005. Key staff members have visited the Southern District of Alabama where civil/criminal CM/ECF is in full operation. A CM/ECF information area has been added to the Court's website and the Clerk is working with the Federal Court Committee of the Nashville Bar

Association to offer CLE sessions on electronic filing for attorneys.

- FAS₄T implementation began in October of 2003. The FAS₄T product provides greater accountability for financial transactions and ultimately will reduce the amount of paperwork required in budget management.

- Prompted by the successful program in Kentucky to adopt uniform local rules, the Court urged the Tennessee Bar Association to approve a similar effort. A state-wide committee has been established to begin the process of evaluating the three sets of local rules and the feasibility of adopting uniform local rules for the three federal district courts in Tennessee. The committee consists of a judge and a lawyer from each of the three districts. Judge Todd Campbell is this Court's representative and Tim Warnock is the attorney representative for the Middle District.

- The Advanced Jury Information System (AJIS) was implemented in 2003. AJIS is a computer-based jury information and voice mail management system that allows jurors to obtain information about their jury service 24 hours per day without the need to talk to a jury specialist. In addition to providing the public with 24 hour jury information, AJIS reduces costs for the court by eliminating bulk mailing

of jury notices. To date, the program has met with favorable response from the public and jury staff.

- The Federal Judicial Television Network programs began "streaming" across the district's computer network in December 2003. Every employee now has access to live FJTN programming at their desktop computers. This important capability allows employees and judges to view the many educational programs featured on FJTN, including CM/ECF, at their convenience without leaving their desks. In addition, a library of recorded FJTN programs is now available at any time for the convenience of court staff. Thanks to Clerk Keith Throckmorton, this capability was implemented for less than \$200 using off-the-shelf software and an existing computer.

- Video-conferencing is now available to serve the judges and local practitioners in our divisional offices. This is an important capability as it offers the potential for costs savings to the Judiciary and improved service to practitioners in those regions.

- Judge William J. Haynes and Senior Judge Thomas Wiseman provided judicial support to the Sixth Circuit Court of Appeals in 2003. Judge Wiseman continues to provide judicial assistance to

the Middle District of Florida in Tampa and Ft. Myers.

- Senior Judge Thomas Wiseman entertained five Russian judges and their facilitator for a week. The judges observed proceedings in the Federal and State Courts and visited the Frist Center, the Parthenon, Jack Daniels Distillery, and other sites of interest in Middle Tennessee. The program is sponsored by the Open World Leadership Center of the Library of Congress.

- Judge Echols, as chairman of a benefit subcommittee of the Judicial Branch Committee, hosted a two-day meeting of judges studying benefit issues for the judiciary.

- Judge Aleta Trauger participated in a panel discussion on the use of power in the legal profession at the first annual Tennessee Bar Association Leadership Law Retreat at Montgomery Bell State Park and was part of the Harry Phillips American Inn of Court delegation to the annual Inn of Court dinner and awards ceremony at the United States Supreme Court.

- Judge Trauger and Circuit Judge Cissy Daughtrey were honored with a reception hosted by their former law clerks in celebration of their ten years of service on the federal bench.

Probation and Pretrial Services

During 2003 the Court joined the vast majority of other courts by authorizing probation officers to carry firearms for the purpose of self-defense during the performance of their duties. Also, Chief Robert Musser created a unique special offender unit to provide supervision to 35 high-risk offenders. These persons are supervised by two officers in order to provide greater officer safety and more intensive supervision. This unit currently is being evaluated by several other districts across the nation.

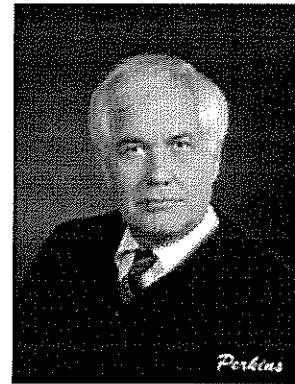


**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

ANNUAL REPORT

The year 2003 was marked by the impact of an F-4 magnitude¹ tornado on May 4 which severely damaged the courthouse facilities of the United States District Court for the Western District of Tennessee located at Jackson. Although this disaster claimed the lives of eleven of Jackson's citizens, the fact that the storm swept through center city late Sunday evening while the courthouse was unoccupied avoided a much more tragic result. As it was, the roof of the 86,000 square foot building, completed for occupancy in 1998, was largely removed and most of the windows were destroyed, leaving the building exposed to torrents of rain.

Despite extreme and dangerous conditions, the court was operational within three days of the storm, a day before electricity was restored to the city. That was made possible by the proximity



*Hon. James D. Todd
Chief Judge*

of the neighboring undamaged Ed Jones Federal Building, the hospitality of Social Security Administration officials who unselfishly shared their space to accommodate the clerk's office staff, and, most importantly, to the extraordinary efforts of court employees and their families who distinguished themselves by their professionalism, selflessness, initiative, and dedication. The court re-occupied the reconstructed building on November 3, 2003, six months after the tornado's damage, a remarkable achievement given the broad scope of reconstruction needs. To celebrate the restoration of the courthouse, the court, on February 19, 2004, conducted an en banc rededication ceremony at which Senator

¹ F-4 rating refers to the Fujita Scale of measuring the intensity of a tornado based upon the damage caused to man-made structures, with F-5 being the most violent documented.

Bill Frist, Majority Leader of the United States Senate, was featured speaker.

Because of the court's remarkable resiliency and notable achievement in assuring a continuity of its operations, the Administrative Office sent a production team from its Office of Public Affairs to make a video record of the damaged courthouse and the great story of accomplishment. The video footage is being used as a featured part of the Continuity Planning section of a "Judiciary Emergency Preparedness" CD-ROM the AO is scheduled to release in the Spring of 2004.

The year was, of course, significant in other less dramatic respects. In March, Magistrate Judge J. Daniel Breen was sworn in as United States District Judge, filling the vacancy created when Judge Julia S. Gibbons was elevated from the district court to the Sixth Circuit Court of Appeals. Judge Breen's appointment completed a full complement of district judgeships for the first time in some three years. After serving three terms, Magistrate Judge James H. Allen, Sr., retired in March. Fortunately, Judge Allen accepted a one-year "recall" appointment to bridge the gap in magistrate judgeships created by Judge Breen's elevation. In April, Tu M. Pham was appointed as magistrate judge to fill the position to be

vacated by Judge Allen. In November, S. Thomas Anderson was appointed to fill the magistrate judge vacancy left by Judge Breen's appointment.

Compared to 2002, civil filings in 2003 remained nearly static, increasing less than one percent. Civil filings represent 71 percent of the district's caseload. However, 2003's civil filings are 6.8 percent higher than in 1998, a five year span, and 18 percent greater than the court's 1993 civil filings, a ten year perspective. Criminal filings in 2003 surpassed 2002's report by 1.7 percent, the number of criminal felony cases averaging 108 filings per judge. The district also averaged 24 trials completed per judge compared to a national average of 20 trials per judge, ranking the district 29th in trials per judge out of the 94 districts. Only 2.3 percent of the civil inventory has been pending three years or more, compared to a national average of 14.9 percent.

The court, throughout 2003, continued its operational advancement by developing technical tools useful for day to day operations. The year saw implementation of a court-developed point-of-sale cash register program which facilitates reconciliation of daily receipts and monthly reporting with the generation of automated reports. A complementary feeder program was developed and is

presently on-line to aid criminal debt management. This application, which is initially populated with data from an automated Judgment & Commitment (J & C) program, automatically assigns criminal debt payments at the point of receipt generation, to liquidate the special assessment, restitution, or fine ordered in a J & C., until the appropriate fund is appropriately satisfied.

Also, the court is benefited by the "CJA Voucher Tracking System" implemented early in the year. The Tracking System provides the judges and CJA panel attorneys with automated, real-time event snapshots of CJA voucher processing from point of receipt in the Clerk's Office, to routing for judicial officer approval(s), and ultimately to the electronic payment authorization which results in the AO's payment issuance. Visiting the "CJA Panel Web Portal" via "Attorneys" at www.tnwd.uscourts.gov allows panel members secure on-line access to monitor the status of their submitted vouchers, as well as access to CJA guidelines, "Helpful Hints," compensation and mileage rates, and more. The success of this application has contributed to a significant decrease in the number of telephone calls from panel members inquiring about the status of claims.

In September the court hosted a delegation of Russian judges who came to Memphis to study the American legal

system. Our court provided them with social activities and an opportunity to observe the federal court in operation.

In October the district and magistrate judges participated in the annual Federal Practice Seminar which the court co-sponsors with the Federal Bar Association. The seminar included presentations on substantive and procedural areas of the law and concluded with a panel discussion by the judges and questions from the attendees.

In November the district judges presented a media seminar to which members of the press were invited. The judges discussed such topics as federal/state jurisdiction, myths about federal courts, sentencing issues, and pointers on how to accurately report a federal court proceeding. The seminar concluded with an opportunity for representatives of the media to ask questions about our court system.

In conclusion, the judges of the Western District of Tennessee extend our sincere appreciation to the judges and court employees of the Sixth Circuit who volunteered their assistance and expressed their concern about our court after the May 4 tornado .

Respectfully submitted,
James D. Todd
Chief Judge

*Report of the
Sixth Circuit
Bankruptcy Appellate Panel*



**BANKRUPTCY APPELLATE PANEL
OF THE SIXTH CIRCUIT**

2003 Annual Report

Hon. J. Vincent Aug, Jr., Chief Judge

The Bankruptcy Appellate Panel of the Sixth Circuit opened for business January 1, 1997, and has now concluded its seventh full year of operations hearing bankruptcy appeals in the Northern and Southern Districts of Ohio, and its fourth year hearing appeals in the Western District of Tennessee. It remains widely accepted by the bar and the parties in those districts. The BAP hears appeals from the bankruptcy courts when all parties consent, and in 2003, the parties consented to BAP jurisdiction in 66% of the bankruptcy appeals in the three BAP authorized districts.

New Case Filings.

In 2003, there were a total of 138 appeals filed from bankruptcy decisions in the three BAP authorized districts. The appellants elected to have their appeals heard by the district court in 42 (30%) of these cases and the appellee elected for district court review in 5 (3%) of these cases. Consequently, the BAP will hear and decide 91 (66%) of the bankruptcy appeals filed in 2003.

Terminated Cases.

During 2003, the BAP terminated 79 cases. The terminations are shown in the following chart.

Opinion	20
Voluntarily dismissed	35
Dismissed for lack of jurisdiction	16
Dismissed for want of prosecution	6
Denial of petition for leave to appeal	2

Of the 20 appeals terminated by opinions on the merits, 7 were precedential and 13 were of limited precedential effect. **The average time for deciding these 20 appeals was 50 days after submission.**

***Appeals from the BAP
to the Court of Appeals.***

In the 7+ year history of the BAP, as of February 25, 2004, the BAP has issued 162 opinions on the merits. Fifty-two (32%) of these decisions have been appealed to the court of appeals. The court of appeals has issued 26 decisions reviewing BAP opinions and affirmed 23 (88%). The court of appeals has dismissed 17 appeals and 9 are still pending.

One case of particular significance decided by the BAP on May 22, 2001, is *Hood v. Tennessee Student Assistance Corp. (In re Hood)*, 262 B.R. 412 (B.A.P. 6th Cir. 2001). The BAP's decision was affirmed by the Sixth Circuit on February 3, 2003. The significance of *Hood* lies in the determination in that case that as part of the Constitutional Convention, the states ceded their sovereign immunity over matters relating to bankruptcy discharge, the Constitution's Bankruptcy Clause gives Congress the power to abrogate states' sovereign immunity and thus state entities are not immune from suit in bankruptcy courts to determine that debts



*Hon. J. Vincent Aug
Chief Judge
Bankruptcy Appellate Panel*

owed to the states may be dischargeable. The Supreme Court granted *certiorari* on September 30, 2003. Oral arguments before the Supreme Court were heard on March 1, 2004.

***Mediation by the
Office of the Circuit Mediators.***

One of the unique and valuable advantages to litigants who consent to the BAP is the availability of the Office of the Circuit Mediators. The staff of this office is highly qualified to facilitate settlements of disputes at the appellate level, and the office has a demonstrated record of success in mediating BAP appeals. During 2003, the office completed work on 61 cases and settled 33 (54%) of them. The BAP and its litigants certainly appreciate the mediators' efforts in assisting with case resolution.

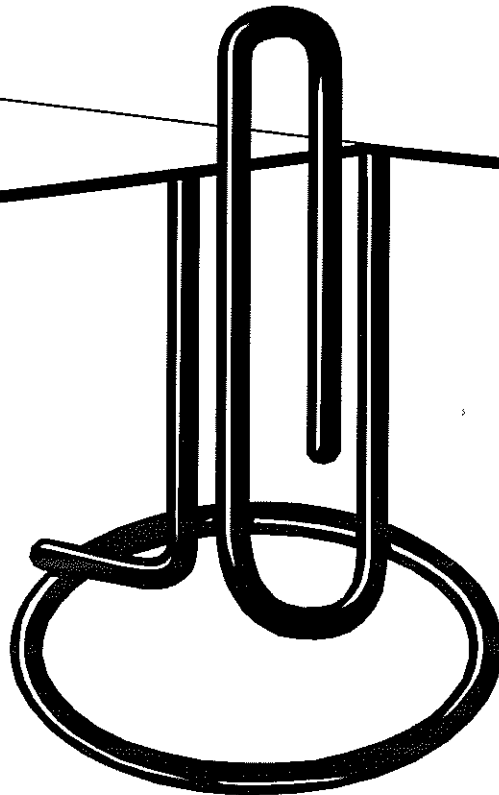
*The Judges of the Bankruptcy Appellate
Panel of the Sixth Circuit.*

The current BAP judges are Bankruptcy Judges J. Vincent Aug, Jr., (S.D. Ohio), who became Chief Judge on January 1, 2004, John C. Cook (E.D. Tenn.), James D. Gregg (W.D. Mich.), William S. Howard (E.D. Ky.), Jennie Latta (W.D. Tenn.) and Mary Ann Whipple (N.D. Ohio). Judges Gregg and Whipple began their service on the BAP this year.

We express our thanks and appreciation to Bankruptcy Judge Steven W. Rhodes (E.D. Mich.) for his many years of service on the BAP. For the past four years, Judge Rhodes has served as the Chief Judge of the BAP and on March 31, 2004, concluded his outstanding service as one of the five original BAP judges. We will miss his collegiality and his leadership. We also express our thanks and appreciation to William T. Bodoh (N.D. Ohio) for his exceptional service to the BAP.



*Reports of the
United States
Bankruptcy Courts
for the
Sixth Circuit*



**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY**

ANNUAL REPORT

Joseph M. Scott, Jr., Chief Judge

Judge Joe Lee. Recalled Judge Joe Lee continues to be active with his caseload and handles overflow from our other two Judges. Judges Scott and Howard will be requesting the Circuit Council to recall him for another year beginning October 1, 2004.

CLLA Award. Judge Joe Lee was selected as the 2003 recipient of the Lawrence P. King Award for Excellence in the Field of Bankruptcy by CLLA Bankruptcy Section. The award was presented at the National Conference of Bankruptcy Judges on October 16, 2003, in San Diego, CA. This award is presented to recognize that lawyer, judge, teacher or legislator who exemplifies the best in scholarship, advocacy, judicial administration or legislative activities in the field of bankruptcy as epitomized by Professor King.

In 2002, the King Award for Excellence was presented to Elizabeth Warren, the Leo Gottlieb Professor of Law at Harvard University.

Judge William S. Howard. In October 2003 Judge Howard was reappointed as United States Bankruptcy Judge for the Eastern District of Kentucky for a term of fourteen years beginning on March 19, 2004.

London Division. The court relocated from Corbin, Kentucky to London, Kentucky in January 2003. The court backfilled space vacated by the U.S. District Court in the U.S. Courthouse after construction of the new courthouse in London.

Filing Statistics. Filing for the past year have continued to increase. Total case filings for 2003 were 13,377, an increase of 9.5% over 2002.

Lotus Notes. A member of the systems staff has spent a good deal of time on the conversion to Lotus Notes 6.0 that is scheduled to be completed soon.

FAS4T. On March 1, 2002, our court went "LIVE" with FAS4T – The Financial

Accounting System for Tomorrow. Three of our users attended a FAS4T User Forum held in Denver in May of 2002. Since March 1, 2002 all of our purchase orders, obligating documents and payment vouchers are now created using FAS4T. After going live on FAS4T, our court has provided mentors to the Southern District of Indiana in September of 2002 and the Eastern District of Pennsylvania in June of 2003. In November 2003, our court migrated from FAS4T version 3.5 to version 3.7.

CM/ECF.

Upgrade - The court underwent a major upgrade to version 2.0 in 2003.

Electronic Filings - The court went electronic in August 2002. Mandatory electronic filings began May 2003. During 2003, 97% of the new cases were filed electronically by registered users of CM/ECF.

Credit Cards - In July 2002 our court began to accept credit card payments for filing fees. In June 2003 we activated the feature allowing CM/ECF filers to pay filing fees “on-line” via the Internet. Both of these initiatives have helped reduce the daily handling of funds by court employees

while continuing to collect the required filing fees. Financial Team members have received training in IPOS (Internet Point of Sale) and BAMRS (Bank of America Merchant Reporting System) software to assist them in performing their job duties.

Specially Designed Bench - Judges Howard, Lee and Scott have specially designed benches in Lexington for use with CM/ECF. The bench has a glass surface through which the judge can view three monitors recessed in the bench. This allows the judge to view three applications simultaneously. One monitor is used to view documents in the case before him. One monitor is used for “HearIT”, a custom program, and the third monitor is used with Internet Explorer to view the docket and/or claims in the case.

Custom Programs - A number of custom programs have been developed that allow the judges during a hearing to run electronic dockets, view cases, and record proceedings that allow the judges to process administrative actions such as orders to be signed and minutes prepared for docketing.

A custom program has been developed for use by the case administrators in docketing. Also, signing programs for use

by the case administrators and Judges for processing orders.

Divisional Offices -- The divisional offices has been automated so the judges and the courtroom deputies have computers with live connections to the CM/ECF server. However, the information needed for the custom programs that permit administration of the cases is extracted and loaded on the divisional computers just prior to the judge traveling to the divisions. This allows the judges to continue with the scheduled hearings even if there is a problem with the CM/ECF server on the DCN.

Help Desks – Two help desks are in full operation - one for questions related to docketing and one for technical questions such as accessing CM/ECF, scanning documents, creating PDF documents, “free peek” issues, etc.

Training – During 2003 we offered four types of training:

- 1) Novice Computer Debtor Attorney Training (5 hours);
- 2) Computer Savvy Debtor Attorney Training (3.5 - 4 hours);
- 3) Creditor Attorney Training (3.5 - 4 hours); and

- 4) Creditor Only Training (1.5 hours).

At the beginning of 2003 we offered each class at least two times a month. By the end of 2003, we were able to cut back to offering each class once a month.

By the end of 2003, we had completed the training of 1412 attorneys and/or their staff and 80 creditors.

The training is given at the Lexington court location in a training room that has eight computers available to training and one computer for the trainer.

We do require the attorney to attend the training. Once the training is complete, there is a registration form and homework that must be completed. Once the homework has been reviewed (by our staff) and corrected (by the attorney, if necessary), the Systems Department will issue a login and password to the certified attorney.

In 2004, we anticipate continuing to need to offer each session once a month.

CourtFLOW. December 1, 2003, this court went live on CourtFLOW, an electronic court recording system. This system records all court hearings and

replaces the former system of using contract court reporters. CD copies of hearings may be purchased for review, but all transcript orders must be placed with the Court for submission to a transcriber.

COOP. This office has begun the process of preparing a COOP. We are making plans but are hampered by the lack of funds, particularly for automation needs.

Employee Community Involvement.

Blood Drive – In November 2003, we spearheaded a blood drive allowing all building tenants to participate in giving blood in a bloodmobile parked outside our building. We had 22 participants registered and 19 units donated.

Flu Shot Clinic – On November 6, 2003, the Clerk's Office set up a Flu Shot Clinic in one of our courtrooms. Nurses from the local health department administered the shots. This is an annual event with invitations going out to all employees who work in the federal building and in the building where the Bankruptcy Court is located. Approximately 53 people received flu shots.

Christmas Projects – One of our case administrator teams chose the name of a

needy family from the Children's Advocacy Center at Christmas time. They collected toys, household goods, blankets, clothes, etc.; had a team wrapping party and took the gifts to the advocacy center for distribution. The family was speechless at the amount of gifts they received. They were very grateful and thankful.

The other case administrator team pulled together and helped a member of the cleaning crew who was going through a very hard time. She had lost her money and had two small children with very little food in the house. They worked with the other team and took up donations around the office and got a Walmart gift card along with several nonperishable food items to give to her.

Resource Sharing – The court continues to share resources with other members of the court family as much as possible. This court has the Lotus Notes servers for the district. Our training room has been used by District Court and Probation. Circuit Judge Rogers' telephones are on Bankruptcy's telephone system. Judge Rogers' server is located and maintained in the Bankruptcy server room. Payroll and human resources for Judge Rogers' staff is processed by bankruptcy. Judge

Rogers and Probation are tapped into Bankruptcy's DCN line in Lexington. Probation has tapped into the Bankruptcy Court's satellite dish in Lexington. Judge Rogers also uses the bankruptcy postage meter. Bankruptcy also shares internet monitoring software with Probation.

Clerk.

Our Clerk, Jerry D. Truitt, was elected to the Board of Governors of the National Conference of Bankruptcy Clerks (NCBC) for a two-year term. The NCBC is dedicated to representing the interests of clerk's office employees of United States Bankruptcy Courts. the NCBC is the only *independent* voice of clerks and deputy clerks.

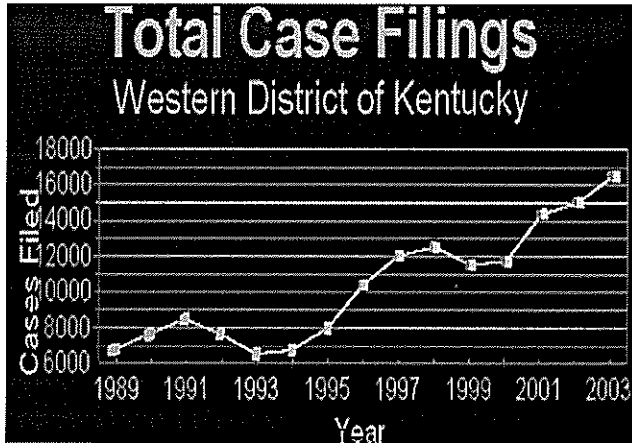


**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF KENTUCKY**

2003 ANNUAL REPORT

David T. Stosberg, Chief Judge

Statistics. For the past decade the Bankruptcy Court for the Western District of Kentucky has experienced increasing caseloads beyond anyone's imagination. In 1993, the Court's three judges managed 6,958 bankruptcy cases. In 2003, the Court's three judges are managing a caseload of over 16,000 bankruptcy cases.



Reappointment of Chief Judge David T. Stosberg. On June 30, 2003, the Sixth Circuit Court of Appeals reappointed Chief Judge David T. Stosberg for another term on the Bankruptcy bench.

Appointment of Judge Thomas H. Fulton. On December 6, 2002, the Sixth Circuit Court of Appeals appointed Judge Thomas H. Fulton to the bench for the Western District of Kentucky.

CM/ECF. The Western District of Kentucky Bankruptcy Court has been operating on CM/ECF since August 15, 2002.

At this time, approximately 97% of all filings are electronic, saving considerable work on the part of the Clerk's Office. The Court recently implemented the credit card module of CM/ECF, again saving considerable time for Clerk's office staff in processing credit card charges. By implementing simultaneously with the Eastern District of Kentucky Bankruptcy Court, the Kentucky bankruptcy practitioners could obtain training in either district and merely request a log-in and password from the other district. The attorneys are very pleased with the conveniences provided by

CM/ECF and have adjusted to this monumental change in their practice with enthusiasm. Districts bordering Kentucky can take advantage of the fact that many of their practitioners will already be trained and experienced on CM/ECF.

CM/ECF created a new requirement for Clerk's offices across the nation and that is training the numerous attorneys and their staff to operate the new electronic system. To date, the Western District has trained approximately 1628 attorneys and staff. The Court also assists other courts who wish to see the system in action. We have hosted approximately 45 Judges and staff at our court providing training materials, on-site demonstrations and contacts from our court who can assist their court in their conversion. Lastly we have assisted approximately 12 other courts and 6 other judges providing procedural documentation and assistance over the telephone with CM/ECF issues.

AESOP (An Electronic Signing Order Program). While CM/ECF provided the Clerk's offices with an advanced system for processing their work, no efficient program had been created to address the needs of the Judges in their review of pleadings as well as providing an efficient method of

“electronically” signing orders. Paul Malone, KYWB's System Manager, along with Judge Stosberg established the requirements for such a signing program and created what is known now as AESOP. AESOP provides a convenient way for case administrators to prepare pleadings and orders for each judge's review and an extremely convenient method for judges to review and “electronically” sign orders. The system has been examined and adopted by a number of judges throughout the nation and is being considered for national support by the Administrative Office of the Courts.

Assistance provided to other courts converting to FAS4T. The Court continues to support the nationwide implementation of FAS4T by allowing our Financial Manager, Marcia Adams, to provide on-site mentoring to other courts. To date, Marcia has mentored 9 Courts throughout the nation and is scheduled to mentor 2 more courts in 2004. Marcia has also participated in testing new versions of FAS4T at the Test Center in Phoenix.



**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

**REPORT TO THE SIXTH CIRCUIT
FOR CALENDAR YEAR 2003**

STATISTICS

The number of petitions filed in the district rose to 45,629, surpassing the previous record number of cases in 2002 by 14%. Despite the high number of cases filed and pending, the disposition of cases continued at a proficient pace.

NEW JUDGES

In 2003, three new judges were appointed. The Court was pleased to welcome Judge Marci B. McIvor, Judge Phillip J. Shefferly and Judge Thomas J. Tucker to the district. They have met the challenge of working in a district that ranks first in the nation in the category of filings per authorized judgeship, 11,308 for the 12 month period ending in September, 2003, compared to the national median of 5,066.

VISITING JUDGES

With the appointment of three new judges, the designation of several visiting

judges expired. The Court acknowledges with grateful appreciation the assistance of the following visiting judges:

Judge Burton Perlman
Judge David Stosberg
Judge James Gregg
Judge Jeffrey Hughes
Judge Mary Ann Whipple
Judge George Paine
Judge William Howard
Judge Jo Ann Stevenson
Judge Randolph Baxter
Judge William Brown

Special recognition must go to Judge Perlman who served as a visiting judge for seven years. His work in our district has been of enormous service to the bench, the bar and the public.

ADDITIONAL JUDGESHIPS

The need for additional judges in the district continues to be justified by the weighted filings per judge. A request by the Circuit and Judicial Conference for

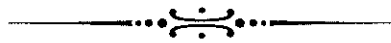
additional judges is pending before Congress. One bill authorizes two judges and the Bankruptcy Reform Act contains one judgeship for the district.

**CASE MANAGEMENT/
ELECTRONIC CASE FILES**

In August, 2003, the court was selected in Wave 16 for implementation of the Case Management/Electronic Case Files system. The court plans to fully utilize electronic case filing in 2005.

THE BANKRUPTCY BAR

Bankruptcy practitioners in the Eastern District of Michigan continue to provide substantial support to the Court in our pro bono and mediation programs and in continuing legal education. Of the 254 cases referred to mediation since the program began, approximately 49% have resulted in a settlement.



***ANNUAL REPORT TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT***

By

***THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN***

March 2004

Case Filings And Division Of Cases.

Bankruptcy case filings for the calendar year 2003 totaled 16,999. This is an increase of 8.7% over bankruptcy case filings during calendar year 2002. This is the third consecutive year which our court has handled a record number of filings.

Filings of adversary proceedings during calendar year 2003 totaled 1,350. This is 42% more than the adversaries filed during 2002 and more than 100% the number filed during 2001.

The three bankruptcy judges each continue to handle approximately one-third of the total case and adversary proceedings

dockets. As of January 1, 2004, the responsibilities to travel to court locations were: Judge Jo Ann C. Stevenson--Grand Rapids, Marquette and Kalamazoo; Judge Jeffrey R. Hughes--Grand Rapids, Traverse City, and Kalamazoo; and Judge James D. Gregg--Grand Rapids and Lansing. Traveling to the other cities in our district remains time consuming and difficult for the judges, especially with the increased number of additional cases that have been filed in the satellite locations.

Court Personnel.

At the end of calendar year 2003, our court had 47 clerk office employees and 6 chambers employees. We have requested authority for "buy-out" and "early-out" options because we anticipate that we will need to reduce our staff by 4 to 6 employees as a result of our full CM/ECF implementation.

Effective on October 1, 2003, our bankruptcy court's case filing statistics supported an additional 6 work units. However, consistent with many other courts, only one-quarter of the new work units were funded due to budget constraints. If this budget trend continues, there will be a time in the future when it will be very difficult, if not impossible, to

continue the high quality of our current operations.

Automation.

On July 14, 2003, our court converted from the BANCAP docketing system to the "CM" (case management) docketing system. We have begun receiving electronic case filings, and our deputy clerks have trained attorneys and trustees on proper usage of the new filing system. All pleadings and documents remain available by electronic means because we have been imaging all papers received since January 1, 2000.

Budget constraints have again affected our court operations in the automation area. We now replace personal computers on a 4-year cycle rather than the prior 3-year cycle. As a result, in some instances, court employees are using outdated or nearly obsolete computers.

Given recent worm/virus developments which have occurred during the last year, our Automation Department is constantly upgrading our programs with new anti-virus protections that are delivered automatically to each work station.

We are now in the third year of utilizing the financial accounting system (FAST). Our Financial Administrator continues to assist other bankruptcy courts to implement this system. Fourteen bankruptcy courts across the country have adopted FAST with the assistance of our staff. In addition, a new procedure whereby autodocketing of receipts in CM/ECF has been implemented. This has been a very valuable system which has increased our efficiency.

Space and Facilities.

In Lansing, the courtroom and chambers renovation project was completed in April 2003. This facility is more secure than the previous outmoded courtroom because it is equipped with a United States Marshal video and audio feed, and has an attached chambers area. The 1,000 square foot courtroom, 425 square foot chambers, and 250 square foot attorney conference room was built to accommodate current and future courtroom technologies. In addition to bankruptcy motion days and trials, the courtroom has been used by United States District Judge David McKeague during the period when his courtroom was unavailable during renovations to install evidence presentation technology. The

bankruptcy facility is also being used by the United States Trustee and other federal agencies.

In December 2003, design-intent drawings for the Grand Rapids project were completed and approved for the proposed new commercial space to house the United States Bankruptcy Court. Currently, our court remains squeezed into approximately 21,000 square feet, which is approximately one-half of the amount of space that is necessary for effective operations. Lease negotiations between the General Services Administration and the State of Michigan are progressing very slowly. Our court had anticipated moving into the new leased space some time during summer, 2004. At this time, the undersigned judge hopes that this project will be eventually completed but he is unable to make any prediction when the move will take place.

With regard to Kalamazoo space and facilities, the Bankruptcy Court currently holds hearings in a single story commercial building with large bay windows on both sides of the courtroom, fondly referred to as "the shooting gallery." The judges of the United States District Court and the judges of the United States Bankruptcy Court have met and

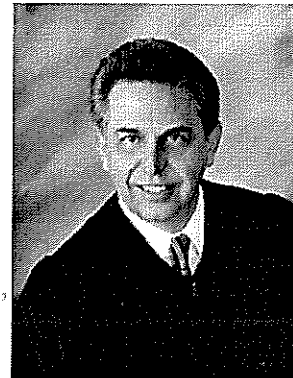
have concluded that a multi-purpose facility for magistrate judges and bankruptcy judges to be located at the United States Courthouse in Kalamazoo is prudent, economical, and feasible. The courts have jointly identified usable space which may be renovated. Both courts agree that cost of the utilitarian renovation should be inexpensive. Whether the

General Services Administration will be able to deliver a cost for this project which is reasonable (and somewhat close to private contractors' estimates) remains to be seen. Again, we are hopeful that this proposed renovated joint use space will be completed during the 2004 calendar year.

Respectfully submitted,
James D. Gregg, Chief
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
SUBMITTED FOR THE
SIXTH CIRCUIT JUDICIAL CONFERENCE
MAY 5-8, 2004**

The *United States Bankruptcy Court for the Southern District of Ohio* has adopted the Administrative Office's Case Management/Electronic Case Filing (CM/ECF) system and, since January 1, 2004, has been operating successfully in a new electronic environment. The *Court* has authorized partial participation by the bar in electronic filing through June 30, 2004 and anticipates total participation by the bar in electronic filing commencing July 1, 2004. Details concerning Local Rules, ECF Administrative Procedures and other significant *Court* information are available at the web site www.ohsb.uscourts.gov.



*Hon. Thomas F. Waldron
Chief Judge*

The *Court* is grateful for the Circuit's appointment on October 24, 2003 of Judge Lawrence S. Walter to sit in Dayton and also the approval of the transfer of duty station from Dayton to

Columbus for Judge John E. Hoffman, Jr. The *Court's* current members are: Thomas F. Waldron (Chief), Lawrence S. Walter, William A. Clark (Recalled) – Dayton; Barbara J. Sellers, Charles M. Caldwell, John E. Hoffman, Jr., Donald E. Calhoun, Jr., (Recalled) – Columbus; and J. Vincent Aug, Jr., who also serves as Chief Judge of the Sixth Circuit Bankruptcy Appellate Panel, Jeffery P. Hopkins, and Burton Perlman (Recalled) – Cincinnati. The full time efforts of Recalled Judges Perlman, Clark and Calhoun deserve special recognition for their contributions to the fulfillment of the *Court's* mission and their assistance to other bankruptcy courts in the Circuit.

The District's increase in bankruptcy filings continues undiminished, with the *Court* experiencing its largest number of cases filed during a twelve month period – 41,310 for the period ending September 30, 2003, at which time the *Court* had the eighth highest number of case filings in the nation. The *Court* would not be able to fulfill its responsibility to such a burgeoning caseload without the leadership of its Clerk, Michael D. Webb, its Director of Information and Technology, Derrick Bolen, and the many hard working and dedicated members of the Clerk's office who have continued their excellent tradition of service. This has been a particularly challenging task, since everyone has been required to learn

totally changed work procedures necessary for the new electronic environment.

The *Court* has continued its strong relationship with the bar through its Bench-Bar Conversations and has received the bar's valuable assistance in developing local rule changes, drafting ECF Administrative Procedures and implementing electronic case filing.

It is impossible to overestimate the impact of electronic case filing. It represents the single most significant and pervasive change in the manner in which the *Court* fulfills its responsibilities. At this stage, electronic case filing remains embryonic, and the *Court* is devoting significant attention to developing procedures which will assure that all participants in the bankruptcy system – the judges, the clerk's office, the bar and all who have contact with the *Court* – continue to receive the same level, or where possible, an enhanced level of excellent service.

Respectfully Submitted,
Thomas F. Waldron,
Chief Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE**

ANNUAL REPORT

The Bankruptcy Court for the Eastern District of Tennessee serves forty-one counties and is comprised of a headquarters office in Chattanooga, with divisional offices in Knoxville, Greeneville, and Winchester. Five bankruptcy judges, John C. Cook, Richard Stair, Jr., Marcia P. Parsons, R. Thomas Stinnett, and Ralph H. Kelley, who has remained on recall status since his retirement, serve the district. The clerk of court, Ralph T. Brown, oversees offices in Chattanooga, Knoxville, and Greeneville. The court makes the following report:

Case Filings

Once again the Eastern District of Tennessee had a record number of bankruptcy cases filed in 2003. During the year, bankruptcy case filings rose 4.98% over the previous year for a total of 20,495 cases. Adversary proceedings rose by 39.6% for a total of 719 proceedings filed.

Service Pins

Service citation pins were awarded to 10 employees whose



*Hon. John C. Cook
Chief Judge*

cumulative work years total 135 years with the court and clerk's office. The district enjoys a very low rate of personnel turnover.

Space and Facilities

The sound system in the two courtrooms in the Bankruptcy Court located in Chattanooga were replaced during the summer of 2003. The new audio systems incorporate hearing impaired, telephonic conferencing, and translator capabilities and offer much improve sound amplification in our courtrooms. Digital ECRO recording units were also installed in both courtrooms. One courtroom was outfitted with video

conferencing and evidence presentation equipment.

The Chattanooga office has been in leased space since June 1, 1991, which was owned by the Tennessee Valley Authority. On May 1, 2003, the building was sold to Custom House Realty Partners, LLC. The transition was smooth and we are pleased with the level of service provided by the new owners. Since purchasing the building, the new owners have installed a new card key security system as well as a new energy management system.

Automation

Network Systems and Applications

Our court installed 25 new workstations for administration and chambers use. We upgraded 50 existing workstations with additional RAM memory (256mb), added dual head video cards and replaced a number of computer monitors. In preparing for CM/ECF we installed five Savin digital copiers for our internal pdf scanning. To assist us in our management of virus protection, we have installed *HF Net Chk Pro* patch management software on servers in each of our three offices. This has provided us with a rapid method of deploying service patch software updates to all of our users.

We have successfully upgraded all court users from Notes version 5 to Notes version 6. We have just recently upgraded our FAS4T users to version 3.7. Numerous upgrades and patches have been made to our Bancap, Pacer, VCIS and CM/ECF systems.

Combined staff from operations and systems are working hard on the preliminary and implementation phases of CM/ECF. Staff have attended training sessions in San Antonio. Committees are in place and staff are currently working on the many aspects of CM/ECF in order for the court to convert from Bancap to this new case management system. We expect to go live on CM/ECF mid 2004.

Financial/Budget

On May 1, 2003, the Bankruptcy Court for the Eastern District of Tennessee implemented the certifying officer legislation which transfers responsibility to the unit executive of the bankruptcy court to certify that voucher payments are legal, proper and correct. This has expedited the payment voucher process inasmuch as the bankruptcy court now certifies its own vouchers and maintains the original documentation. This has decreased administrative time in processing vouchers and is working well in our district.

***U.S. BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE***

Although bankruptcy filings in the Middle District of Tennessee increased another nine percent in the third straight year of increases, they seem to be leveling off which is good news for the judges and clerk's office.

Since the last conference, the court has obtained video conferencing equipment and installed it in the courthouses in Cookeville and Columbia and is working with the district court to determine how this might be utilized by both courts.

In the automation area, we have reconfigured our infrastructure to support CM/ECF and other future technologies. As we work toward implementation of CM/ECF we are grateful for the considerable support we have received from our brethren and sistren in the neighborhood state of Kentucky, along with their clerk's offices. In particular, we greatly appreciated a team from the Eastern District of Kentucky that included Chris Tuttle, Linda Kavanaugh, Donna Famularo, and Gail Provence who came to Nashville for two days to demonstrate their programs and work with us on creating our own.



*Hon. George C. Paine II
Chief Judge*

Last summer, Judge George Paine went to Croatia to work with the commercial courts of Croatia primarily in Zagreb, but also in Osijek, Rijeka, Split, and Varazdin. This was done under the auspices of USAID and the patronage of President Borislav Blazevic of the High Commercial Court in Zagreb. Judges Keith Lundin and Marian Harrison undertook his duties in his absence and Judge Tom Stinnett of the Eastern District of Tennessee at Chattanooga assisted in handling adversaries.

With the hopes of establishing a sister court program with the Zagreb Commercial Court as district judge Chuck Simpson of Louisville has done with Pula, the Middle District of Tennessee is hosting four groups of Croatian judges to educate them in the court practices and procedures of an American commercial system. One group has already visited and were immersed in

the bankruptcy court and the Chancery Courts of Davidson County.

Another group of two will be attending the Conference in Louisville with the Tennessee delegation.



***UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE***

The year 2003 was a remarkable one for the United States Bankruptcy Court for the Western District of Tennessee. It was remarkable in two respects; one, the Eastern Division, located in Jackson, Tennessee was struck by a tornado and two, the new Case Management/Electronic Case Filing System (CM/ECF) was implemented district wide. Both challenges were met head on by the Judges, Chambers and Clerk's Office Staff's and successfully resolved.

Sunday night, May 4, 2003 a Category IV tornado ripped through the downtown business district in Jackson, Tennessee, killing eleven persons. The winds tore the roof off of the courthouse and scored a direct hit in Judge G. Harvey Boswell's office and chambers located on the third floor of the courthouse. After the winds abated the rains came, pouring about 3 inches of water into the

unprotected structure. The furnishings that were not scarred from flying glass and debris were subjected to extreme water damage. This water eventually settled in the first floor, Bankruptcy Clerk's Office space. As luck would have it, not one case file or document in the Clerk's Office was lost.

Due to the tireless efforts of Judge Boswell and Clerk's Office staff, an alternate site for the Court was located in a strip shopping center. With the assistance of the General Services Administration (GSA) of region IV, a lease was signed, build out commenced, relocation began and the Clerk's Office was operational on May 12, 2003. Judge Boswell needed only to reschedule one week of Court and began hearing matters on May 14, 2003, in the former Magistrate's Courtroom in the Ed Jones Federal Building located across the street from the damaged courthouse.

Judge Boswell, his Chamber's Staff and Clerk's Office employees relocated back to the refurbished courthouse on November 10, 2003. The Courthouse was rededicated by Senator Frist in a ceremony conducted on February 19, 2004.

Due to the tornado damage in the Eastern Division Office, the implementation of the Case Management portion of CM/ECF was delayed from May until June 2, 2003. At that time, the court converted its database from BANCAP over to CM/ECF. Without utilizing the electronic component of CM/ECF, case processing was about 30% slower than BANCAP docketing. This resulted in a backlog of approximately five to eight days in document processing. This delay was anticipated and the Court had hired ten temporary workers to assist with paper processing and routine docketing and scanning.

In mid November 2003, the Court began a systematic training program to introduce its external users in the fundamentals of Electronic Case Filing (ECF). Classes were conducted twice a day, three days a week in both divisions to train 120 participants each week. After completion of training, live logins and passwords were issued and cases began to be filed electronically with the Court in mid December 2003. Demand for the

training classes was great due to the established "no paper" filing date of January 12, 2004. On this date, all persons having received training were to file documents with the Court electronically and if not trained, were to file using CD or diskette. This resulted in the Court receiving "less paper" on our way to becoming "paperless". Documents received from Pro Se filers are scanned into the court's database. This has not created a problem due to the low level, (less than 1%) of Pro Se filings.

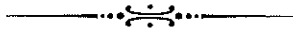
As of mid March 2004, all new case filings have been received by the Court electronically. All other document filings have been received electronically at a rate of approximately 75%.

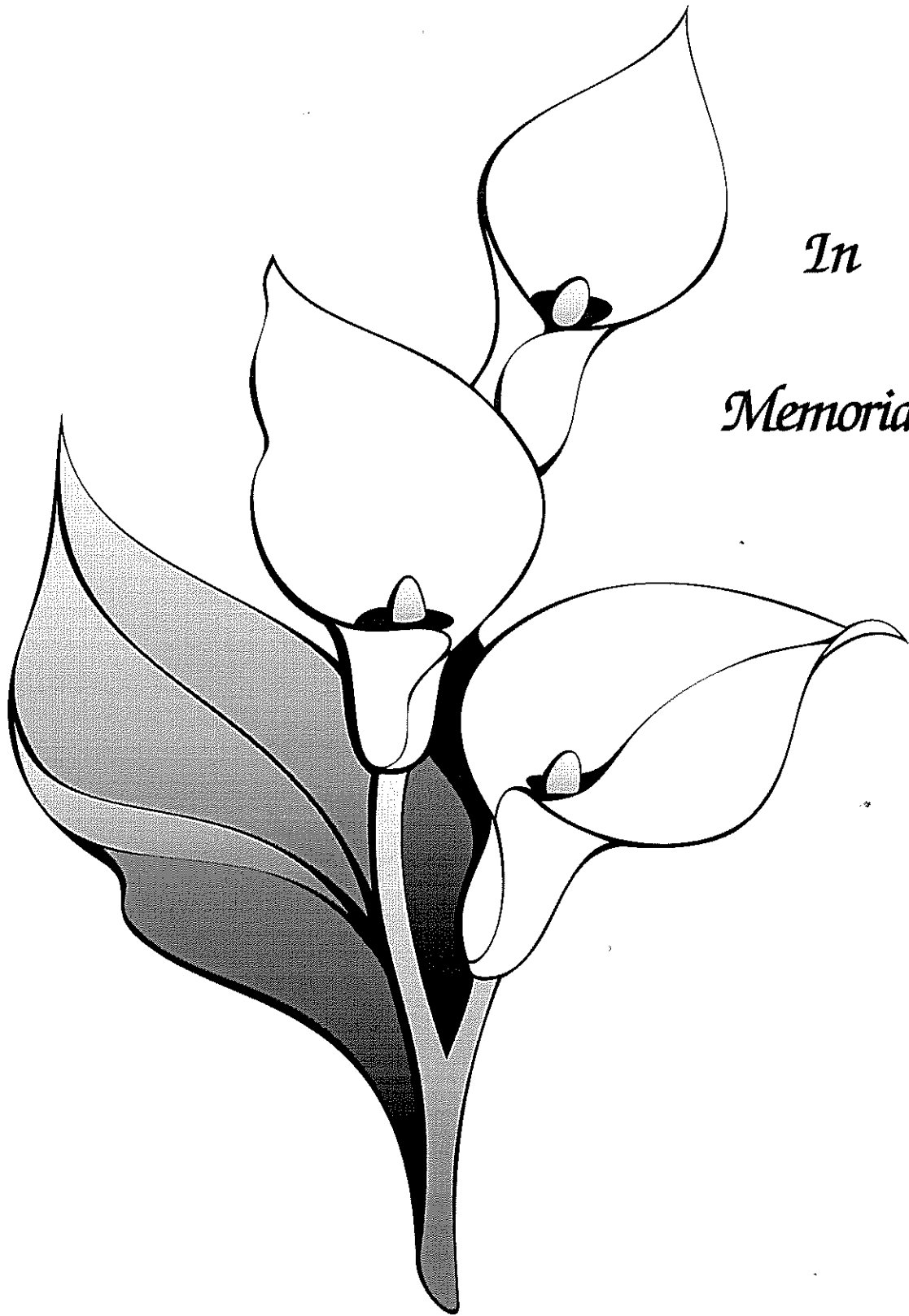
New case filings in the district were relatively flat for the first time in many years with 28,026 new filings. Case closings were also consistent with calendar year 2002, with 26,333 case closings. There were also no significant changes between case type or divisional office filings.

The United States Bankruptcy Court for the Western District of Tennessee is certainly fortunate to receive the support of the Bar, the United States Attorney's Office, United States Trustees for Region 8, Standing Chapter 13

Trustees, Panel Trustees and others regardless of the issue, whether it be overcoming the forces of nature or man made challenges. The Court looks forward to the many and varied challenges of the coming year.

Respectfully Submitted,
David S. Kennedy
Chief Bankruptcy Judge





In

Memoriam

**MEMORIAL RESOLUTION IN HONOR OF
JOSEPH P. KINNEARY
1905-2003**

When word reached the Judges of the Southern District of Ohio on February 14, 2003 that our colleague, Joseph P. Kinneary, had passed away in his sleep at the age of 97, our emotions were greater than just sorrow in the passing of a beloved colleague and friend. Certainly, a feeling of great loss was among the emotions felt and expressed, but there was also a feeling of enormous respect for the lengthy and productive career he contributed to the people of Southern Ohio. There was also a deep sense of gratitude that we had the good fortune to share the Bench with this extraordinary person who was mentor and friend to all of us.

The public record is well known. He was a native of Cincinnati and a proud graduate of the University of Notre Dame (he served a term as President of its local Alumni Association and was named the Notre Dame Man of the Year in 1966 by the University and the Notre Dame Club of Columbus) and of the University of Cincinnati College of Law (from which University he received an Honorary Doctorate, LL.D., after having previously been named the Law School's Distinguished Alumnus of the Year). Joe Kinneary served his country for three and one-half years during World War II in the Legal Division of the Quartermaster Corp of the Army of the United States, being honorably discharged with the rank of Captain. Following the private practice of law in Cincinnati, he served a two-year term as First Assistant Attorney General of Ohio from 1949 to 1951. He then resumed the private practice of law in Columbus and, during a very successful career in the practice, was appointed United States Attorney for the Southern District of Ohio by President John F. Kennedy in 1961. He served in that position until he entered on duty as United States District Judge for the Southern District of Ohio on August 4, 1966, a position to which he was appointed by President Lyndon Baines Johnson. He served as Chief Judge of our Court from January, 1973, to September, 1975.

On September 19, 1995, during a celebration of Judge Kinneary's 90th birthday, he received a letter from President Clinton who said that "the nation owes you its gratitude for your 29 years of exemplary service on the federal bench" and "your commitment to the law and dedication to public service have remained an inspiration to all Americans." At the time of his retirement in 2001, he was the oldest district court judge in the nation still rendering valuable service to the public. Although his mental abilities were still extremely sharp, the physical infirmities of advancing age forced his reluctant retirement.

His service on the Bench was legendary. He was the quintessential no-nonsense Federal Judge who demanded impeccable conduct, promptness and appropriate attire from lawyers, parties, witnesses and jurors. For 35 years, until his retirement just a few days short of his 96th birthday, at a time when he was still shouldering a 100% draw of criminal cases and an 80% share of civil matters, he rigorously, diligently, fairly, compassionately and with unsurpassed integrity upheld the majesty of the law and the dignity of our system of justice. He considered his courtroom to be a Temple of Justice, declaring that "the courtroom really is the only physical place where an ordinary citizen comes in contact with the big concept of the federal government, and for that reason alone, the courtroom is a sacred place, the place where an ordinary citizen is given his rights or restrained in his rights, a place where the Constitution and all of our history come into being."

As stern as he appeared in the courtroom, he was the polar opposite off the Bench. Possessed of a soft heart, so often disguised in the courtroom, a ready laugh, a constant smile accompanying an Irish twinkle in his eyes and a great sense of humor, his colleagues enjoyed and will greatly miss his charm, his grace and his warmth. For any one of us, it is absolutely impossible to think of Joe Kinneary, whether those thoughts be of him in Court or out, without a smile coming to our face and a sense of warmth to our heart. Likewise, we submit, the same can be said of any one of you who knew him well.

In 1998, as a sign of the tremendous respect in which he was held by the people of the community he served, our Columbus Courthouse was named by Congress in his honor, the Joseph P. Kinneary United States Courthouse. While the man may be gone, his legacy will live on as justice is dispensed on a daily basis in the building where he served for 40 years and which will carry his name forever.

Joe is survived by his stepdaughter, Elizabeth Ann (Betsy) Hulsey of Darien, Connecticut, a step-grandchild, Sarah, and loving nephews, a niece and a grand-niece. His beloved wife, Byrnece, died in 1994.

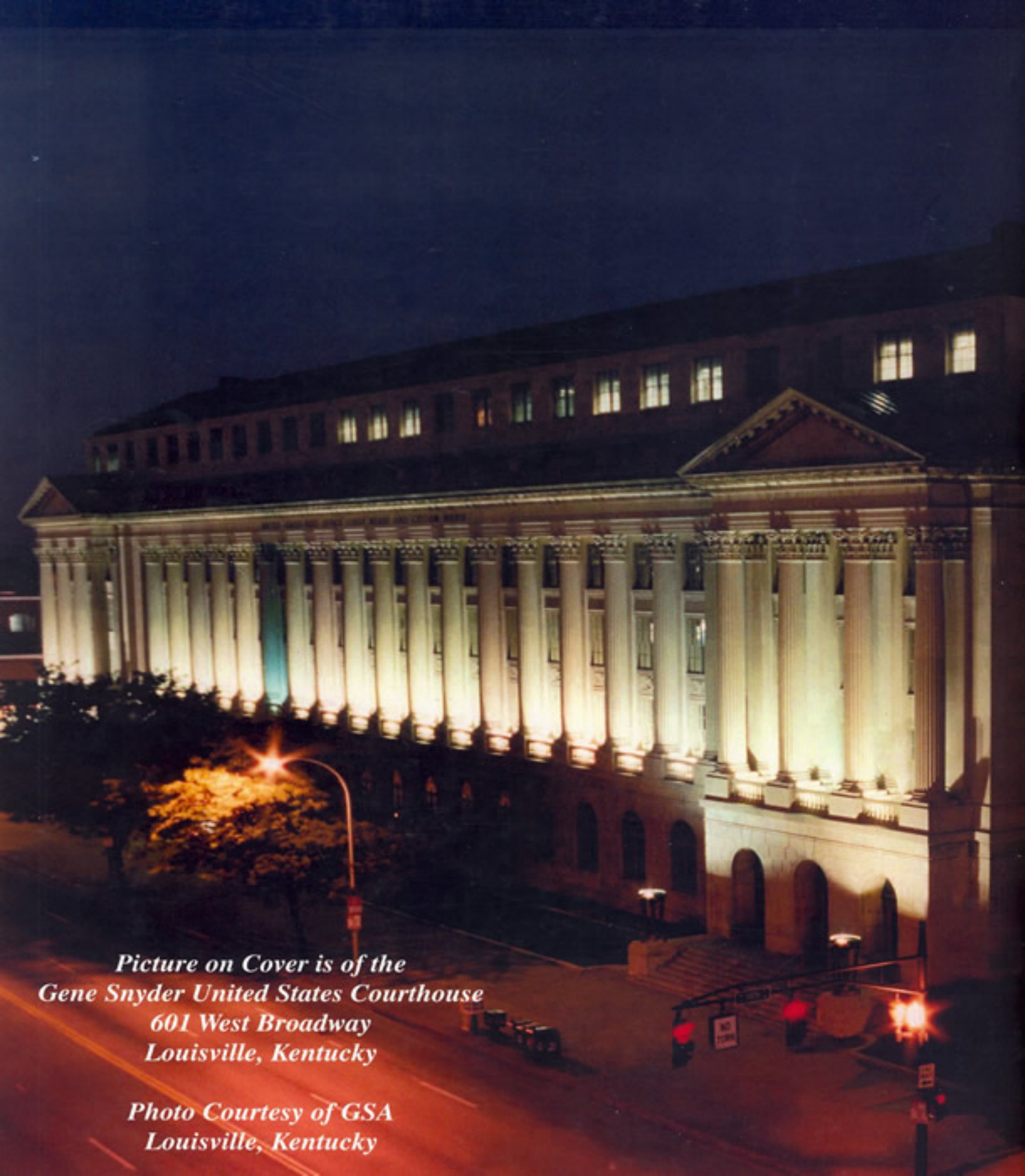
Now, therefore, BE IT RESOLVED that the Sixty-Third Judicial Conference of the Sixth Circuit, in session at Memphis, Tennessee, this 10th day of April, 2003, pays tribute and appreciation to the memory of Judge Joseph P. Kinneary, who served the nation and the Southern District of Ohio so faithfully and well.

BE IT FURTHER RESOLVED that a copy of this Resolution be preserved upon the records of this Conference and that a copy hereof be forwarded to the family as a testament of the affection and admiration in which Judge Kinneary was held by his colleagues and by the members of this Conference.

Respectfully submitted,
Walter H. Rice, Chief Judge
United States District Court
Southern District of Ohio

James L. Graham, District Judge
United States District Court
Southern District of Ohio

John D. Holschuh, Senior Judge
United States District Court
Southern District of Ohio



*Picture on Cover is of the
Gene Snyder United States Courthouse
601 West Broadway
Louisville, Kentucky*

*Photo Courtesy of GSA
Louisville, Kentucky*