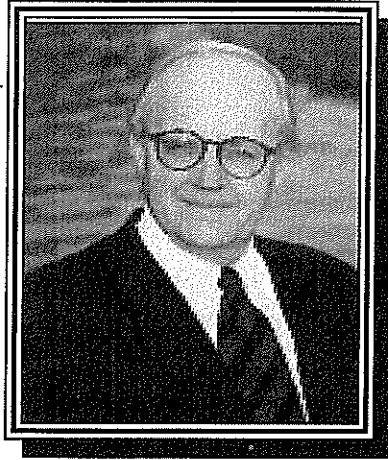




2008  
*Annual Report*

*Presented To*  
*Sixth Circuit Judicial Conference*  
*May 7 - 10, 2008*  
*Chattanooga, Tennessee*

*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 Chattanooga for the 68th Conference of the Sixth Judicial Circuit. This will be the first such meeting of the Conference in Chattanooga and the local judges and members of the bar have shown great enthusiasm and energy in planning the events and activities that we will enjoy during our stay in Chattanooga.

As always, we are indebted to the Life Members of the Sixth Circuit, chaired by John David Cole, for all of their assistance in the planning and arrangements for this Conference. In addition to hosting the reception at the Aquarium on Thursday evening and providing financial assistance toward production of the Friday morning plenary session on the Jimmy Hoffa trial, the Life Members have, as in the past, taken a lead role in planning the district breakout sessions on Saturday morning.

A special note of appreciation is due to Chief Judge Curtis L. Collier of the Eastern District of Tennessee and to the Eastern Tennessee Chapter of the Federal Bar Association. Chief Judge Collier has been very involved with the work of groups at the local level in order to insure that attendees have a quality experience at the conference and while visiting Chattanooga. The Eastern Tennessee Chapter of the Federal Bar Association was instrumental in raising funds for and producing the Hoffa trial video presentation, and in coordination of the Friday morning plenary session about the trial.

Members of the Federal Bar Chapter have also played leading roles in planning events and activities for this Conference, and the Chapter has provided financial support for scholarships for attorneys who might not otherwise be able to attend the Conference.

This is our circuit's fifth 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. We believe that the open conference format has 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 Chief District Judge Jennifer B. Coffman of the Eastern District of Kentucky. Judge Coffman and her committee of judges and lawyers have provided us with another outstanding substantive program. I am confident that each of you will find the conference to be professionally rewarding as well as enjoyable.

### **Overview**

Obtaining adequate funding for the operation of the federal courts remains one of the most important priorities of the judiciary. The Sixth Circuit continues to play a key role in the budget process. Judge Julia Smith Gibbons of the Sixth Circuit provides leadership through her service as Chair of the Budget Committee of the Judicial Conference of the United States. Judge Gibbons serves along with Circuit Judge David W. McKeague, who is also a member of that committee.

### **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 September 30, 2007, new filings decreased by 6.5 percent to 4,818 cases. This drop in filings reflects the national trend, which saw filings throughout all circuits decrease by 12.3 percent.
- During the same period, appeals terminated decreased by 4.1 percent, to 4,962 cases.

### **District Courts**

- During the twelve month period ending September 30, 2007, circuit wide, civil filings decreased by 0.3 percent to 21,322 cases.
- Civil terminations decreased to 21,611 cases.
- Criminal cases filed in the district courts decreased by 3.2 percent during the same period to a total of 4,393 cases. Criminal terminations decreased by 4.8 percent.

### **Bankruptcy Courts**

- During the twelve month period ending September 30, 2007, the filings in the bankruptcy courts of the Sixth Circuit decreased by 22.7 percent, to 146,328 cases.
- During the same period, bankruptcy terminations decreased by 45.8 percent, and the number of pending bankruptcy cases decreased by 1.9 percent to 234,646 cases.

## **Challenges**

**Circuit Vacancies.** The Court of Appeals continues to deal with two vacancies, one of which now is over eight years old and has been classified as a judicial emergency by the Judicial Conference of the United States. At the time of this writing, it is not clear when we might anticipate action on either of these two vacancies.

The persistent vacancy problem of the Court of Appeals would be greatly exacerbated were it not for the continued service of our eight senior judges who 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. As a result of the generous assistance that we received along with the hard work of our own circuit judges, we have reduced the average number of days that civil and criminal cases must wait for oral argument after completion of the briefing in each of the last four 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.
- ◆ Submission of 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. United States District Judge Thomas M. Rose of the Southern District of Ohio serves as the district judge representative for the Sixth Circuit Court of Appeals.

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 of 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 and establishes 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 Judicial Conference's committee structure. Chief Circuit Judge Danny Boggs serves on the Judicial Conference Executive Committee and Circuit Judge Julia Smith Gibbons 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:

The Honorable Sandra S. Beckwith  
Southern District of Ohio  
Committee on Defender Services

The Honorable Robert Holmes Bell  
Western District of Michigan  
Committee on Criminal Law

The Honorable Danny J. Boggs  
Chief Judge of the Sixth Circuit  
The Executive Committee

The Honorable Paul D. Borman  
Eastern District of Michigan  
Committee on Court Administration and  
Case Management

The Honorable Eric L. Clay  
Sixth Circuit  
Committee on Judicial Resources

The Honorable R. Guy Cole, Jr.  
Sixth Circuit  
Advisory Committee on Bankruptcy Rules

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

The Honorable Patricia A. Gaughan  
Northern District of Ohio  
Committee on Federal-State Jurisdiction

The Honorable Julia Smith Gibbons  
Sixth Circuit  
Chair, Committee on the Budget

The Honorable Ronald L. Gilman  
Sixth Circuit  
Committee on Federal-State Jurisdiction

The Honorable James S. Gwin  
Northern District of Ohio  
Committee on Information Technology

The Honorable Jeffery Hopkins  
Southern District of Ohio  
Advisory Committee on Bankruptcy Rules

The Honorable David A. Katz  
Northern District of Ohio  
Committee on the Administrative Office

The Honorable Damon J. Keith  
Sixth Circuit  
Committee on the Judicial Branch

The Honorable David W. McKeague  
Sixth Circuit  
Committee on the Budget

The Honorable Joseph H. McKinley, Jr.  
Western District of Kentucky  
Committee on Financial Disclosure

The Honorable Kathleen M. O'Malley  
Northern District of Ohio  
Committee on Space and Facilities

The Honorable Dan A. Polster  
Northern District of Ohio  
Committee on the Administration of the  
Magistrate Judges System

The Honorable Gordon J. Quist  
Western District of Michigan  
Chair, Committee on Codes of Conduct

The Honorable Edmund A. Sargus, Jr.  
Southern District of Ohio  
Committee on Judicial Security

The Honorable Charles R. Simpson III  
Western District of Kentucky  
Committee on International Judicial  
Relations

The Honorable David T. Stosberg  
Western District of Kentucky  
Committee on the Administration of the  
Bankruptcy System

The Honorable Jeffrey S. Sutton  
Sixth Circuit  
Advisory Committee on Appellate Rules

## 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. The membership of the Sixth Circuit Judicial Council at the time of publication is as follows:

The Honorable Danny J. Boggs, Chair  
Sixth Circuit Judge

The Honorable Boyce F. Martin, Jr.  
Sixth Circuit Judge

The Honorable Alice M. Batchelder  
Sixth Circuit Judge

The Honorable Karen Nelson Moore  
Sixth Circuit Judge

The Honorable Eric L. Clay  
Sixth Circuit Judge

The Honorable Ronald L. Gilman  
Sixth Circuit Judge

The Honorable Julia Smith Gibbons  
Sixth Circuit Judge

The Honorable John M. Rogers  
Sixth Circuit Judge

The Honorable Jeffrey S. Sutton  
Sixth Circuit Judge

The Honorable David W. McKeague  
Sixth Circuit Judge

The Honorable Jennifer B. Coffman  
Chief Judge  
Eastern District of Kentucky

The Honorable John G. Heyburn II  
Chief Judge  
Western District of Kentucky

The Honorable Bernard A. Friedman  
Chief Judge  
Eastern District of Michigan

The Honorable Robert Holmes Bell  
Chief Judge  
Western District of Michigan

The Honorable James G. Carr  
Chief Judge  
Northern District of Ohio

The Honorable Sandra S. Beckwith  
Chief Judge  
Southern District of Ohio

The Honorable Curtis L. Collier  
Chief Judge  
Eastern District of Tennessee

The Honorable Todd J. Campbell  
Chief Judge  
Middle District of Tennessee

The Honorable Jon Phipps McCalla  
Chief Judge  
Western District of Tennessee

### **Non-voting Members:**

The Honorable Marcia Parsons  
Bankruptcy Judge  
Eastern District of Tennessee

The Honorable Michael Metz  
Magistrate Judge  
Southern District of Ohio

### **Investigating Committee**

The Honorable Danny J. Boggs, Chair  
The Honorable Martha Craig Daughtrey  
The Honorable John M. Rogers  
The Honorable Jeffrey S. Sutton  
The Honorable David W. McKeague  
The Honorable Robert Holmes Bell  
The Honorable James G. Carr  
The Honorable Jennifer B. Coffman  
The Honorable Curtis L. Collier

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 ballots, 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**

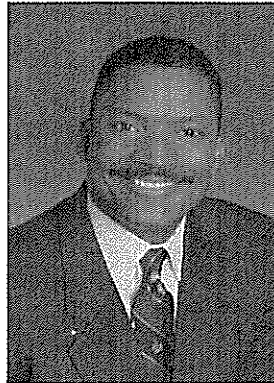
The Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, as amended by the Judicial Improvements Act of 2002, Pub. L. No. 107-203, (28 U.S.C. § 351) establishes a procedure whereby any person may file a complaint of misconduct or disability against a circuit, district, bankruptcy 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 may also 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 March 2007. Copies of the rules are available from the Circuit Executive's Office or at [www.ca6.uscourts.gov](http://www.ca6.uscourts.gov).



## OFFICE OF THE CIRCUIT EXECUTIVE



*Clarence Maddox  
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.

The Office of the Circuit Executive provides 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. It also provides staff support for Bankruptcy Judge and Federal Public Defender Merit Selection Panels. The office is also responsible for Court of Appeals procurement and budget matters and for planning, support and oversight over the space and facilities functions of the Court of Appeals and on behalf of the Judicial Council. The office is also responsible for leading a 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.

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.

## DEATHS

### JOHN M. MANOS

The Honorable John M. Manos, Senior District Judge for the Northern District of Ohio, passed away on July 6, 2006 at the age of 84. Judge Manos was the son of Greek immigrants, born December 8, 1922 in Cleveland, Ohio. He graduated from Lincoln High School in Cleveland and received a full scholarship to the Case School of Applied Science. There, he was captain and quarterback of the football team and earned a degree in metallurgical engineering. He graduated from Case in 1944 and then served in the United States Navy.

After returning from the Navy, Judge Manos began working as a metallurgical engineer, while taking night classes at Cleveland Marshall. He graduated from Cleveland Marshall in 1950. After practicing for thirteen years, including a stint as law director of Bay Village, he was selected to fill a vacancy on the Cuyahoga County Common Pleas Court. In 1969, Judge Manos was appointed to the Ohio Court of Appeals. In 1976 Judge Manos was appointed to the United States District Court, where he served with distinction for over thirty years.

Judge Manos continued to serve the Court until his passing. Active in professional and community organizations, he held memberships in the Federal, American, Cuyahoga County, and Greater Cleveland Bar Associations and was a founding member of the Celebrezze Cleveland Inns of Court. He was the recipient of numerous awards including the Outstanding Alumnus Award from Cleveland Marshall Law School and Distinguished Service Award from the Northern Ohio Chapter of the Federal Bar Association.

Judge Manos will be missed by all who knew him.

### DOUGLAS W. HILLMAN

The Honorable Douglas W. Hillman passed away on February 1, 2007, just fourteen days shy of his 85th birthday. Judge Hillman was appointed to the United States District Court for the Western District of Michigan in 1979, and served the District as its Chief Judge from 1986 to 1991 when he assumed senior status. He retired from the bench in 2002. 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 to study law in a combined graduate-undergraduate curriculum. He received a B.A. in 1946 and LL.B. in 1948.

After passing the bar he practiced law for 31 years until his appointment to the bench in 1979. During his tenure on the bench, Judge Hillman served on numerous circuit and national committees. He was a life member of the Sixth Circuit Judicial Conference; and in 1989, he served as Chairman of the Planning Committee for that Conference. He was a founder and instructor of the Hillman Advocacy Program, sponsored by the Western Michigan Chapter of the Federal Bar Association, and the Judges of the United States District Court for the Western District of Michigan. Judge Hillman was the recipient of numerous awards including the ACLU Annual Civil Liberties Award and the Champion of Justice Award by the State Bar of Michigan.

Judge Hillman will be greatly missed by all who knew him.

### **GEORGE E. WOODS**

The Honorable George E. Woods, Senior District Judge from the Eastern District of Michigan, passed away on October 9, 2007 at the age of 83. Judge Woods was appointed to the United States District Court in 1983. He was born in Cleveland, Ohio on October 10, 1923 to George E. and Vera C. (St. Johns) Woods.

In 1943, Judge Woods interrupted his undergraduate studies to join the United States Army, where he served his tour of duty in the Pacific theater. In 1946, he returned to Ohio Northern University to complete his college degree. In 1949, he received his law degree from Detroit College of Law.

After passing the Michigan Bar in 1949, Judge Woods opened a private law practice in Pontiac, Michigan and for a brief period served as Assistant Prosecutor for Oakland County, Michigan while maintaining his law practice. In 1953, he practiced law with the firm of Underwood, Woods & Pratt. His skills led to his successful career in the Office of the United States Attorney for the Eastern District of Michigan, where he served as Chief Assistant from 1953 until 1960, when he was appointed U.S. Attorney for the Eastern District of Michigan. He was appointed as a bankruptcy judge for the Eastern District of Michigan in 1981, where he served until his appointment to the United States District Court in 1983. He took senior status on that bench in 1993.

Judge Woods natural leadership was reflected in his participation in professional and community organizations. He held memberships in the American Bar Association, the Detroit Metropolitan Bar Association, the State Bar of Michigan and the American Judicature Society. He served on the Committee for Revision of the Criminal Code (1965) and was a charter member of his local Federal Bar Association, serving as President of the Detroit Chapter (1968-1969). He was elected a Fellow of the

International Academy of Trial Lawyers (1968) and the American College of Trial Lawyers (1970). He was also a member of the Sigma Nu Phi Fraternity.

Judge Woods will be remembered fondly by those who practiced before him, his friends and fellow judges.

### **JAMES H. JARVIS II**

The Honorable James H. Jarvis II, Senior District Judge for the Eastern District of Tennessee, passed away on June 6, 2007 at the age of 70. He was the son of a well-respected trial attorney, Howard F. Jarvis and his wife, Eleanor B. Jarvis. He followed his father into the law and received his J.D. from the University of Tennessee College of Law in 1960. From 1960 to 1972 he was engaged in private practice, where he was a skillful and well-respected trial attorney.

In 1972 he was appointed judge of the Law and Equity Court for Blount County, Tennessee. In 1977 he was elected judge of the 30th Judicial Circuit Court for Blount County. On October 12, 1984, he was appointed United States District Judge for the Eastern District of Tennessee, where he served until his death following a courageous battle with lung cancer. He served as chief judge from 1991-1998.

Judge Jarvis never forgot what it was like to be a trial lawyer and treated all lawyers who appeared before him with great respect. Because of his consistent congeniality virtually all the lawyers who appeared before him considered it a pleasure. He was admired and respected tremendously by the bar. In 2002 he was awarded the Knoxville Bar Association First Judicial Excellence Award. In 2004 he was honored as Trial Judge of the Year by the American Board of Trial Advocates. While on the State bench, he was a member of the Executive Committee of the Tennessee Trial Judges Association and the

Tennessee Judicial Conference, where he served as president from 1983-1984.

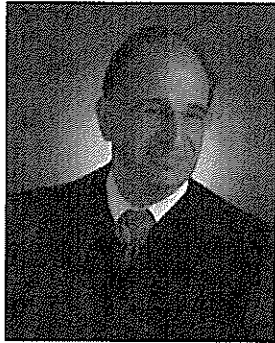
One of Judge Jarvis's most visible accomplishments occurred in 1995 while he was Chief Judge when he spearheaded the acquisition of the Whittle Communications Complex on Main Avenue as the Howard H. Baker, Jr. United States Courthouse. Countless hours of work were required to convince government officials of the practicality of this venture, and it was his unwavering belief in this project and his dedication to it that the building was acquired by the government and the courthouse became a reality. The United States District Court and its affiliated agencies are now housed in this beautiful space which won the Office Building of the Year (TOBY) Award in the government office building category at both the regional and national/international levels in 2003. The acquisition of this property and its ultimate use by the court could not possibly have been accomplished without Judge Jarvis's determination and persistence.

Judge Jarvis was a member of the Board of Advisors of the University of Tennessee College of Law (Speakers Series), a past member of the Board of Directors of Maryville College, Maryville, Tennessee, past member of the Board of Detoxification Rehabilitation Institute of Knoxville, and past member of the Board of the Metropolitan Knoxville YMCA.

Judge Jarvis will be greatly missed by all who knew him.

## UNITED STATES DISTRICT COURTS

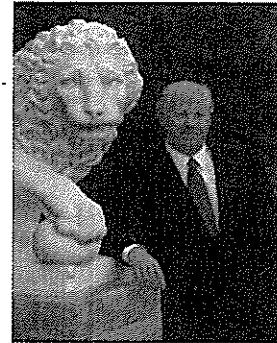
### APPOINTMENTS



*Honorable Jack Zouhary  
United States District Judge*

#### **JACK ZOUHARY**

The Honorable Jack Zouhary was appointed to the United States District Court for the Northern District of Ohio on March 28, 2006. He succeeds United States District Judge David Katz who assumed senior status in January 2005. Born and raised in Toledo, Judge Zouhary graduated from Dartmouth College and the University of Toledo College of Law. He is married to Kathleen and they have two grown daughters. Judge Zouhary is well familiar with northwest Ohio, having practiced in the private sector with a regional law firm and as corporate general counsel for a highway construction/stone quarry business. Most recently, he served as a Judge on the Lucas County Court of Common Pleas. He is active in the Toledo community and continues his participation in the Toledo Rotary Club. He is also active in the Morrison Waite Chapter of the Inns of Court, various bar associations, and is a frequent lecturer on civility. He was selected as a Fellow of the American College of Trial Lawyers in 1995 and remains active in the College.

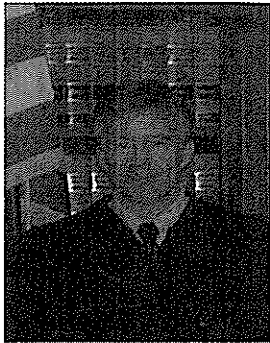


*Honorable Michael R. Barrett  
United States District Judge*

#### **MICHAEL R. BARRETT**

The Honorable Michael R. Barrett was appointed to the United States District Court for the Southern District of Ohio on May 5, 2006. He succeeds United States District Judge Walter Herbert Rice who assumed senior status in December 2004. Judge Barrett received both his B.A. and J.D. from the University of Cincinnati and its College of Law. He later served as a member of the University of Cincinnati Board of Trustees, including one term as Chairman.

Judge Barrett served as an Administrative Hearing Officer for the State of Ohio, and assistant prosecuting attorney/chief assistant, Hamilton County Prosecutor's Office. At the time of his appointment, Judge Barrett was in private practice with the Cincinnati firm of Barrett & Weber.



*Honorable Sean F. Cox  
United States District Judge*

**SEAN F. COX**

The Honorable Sean F. Cox was appointed to the United States District Court for the Eastern District of Michigan on June 12, 2006. He succeeds United States District Judge Lawrence P. Zatkoff who assumed senior status in June 2004. He served as a Judge of the Wayne County Circuit Court from March 1996 to June 2006. He also served as a visiting Judge for the Michigan Court of Appeals. Prior to his appointment to the Wayne Circuit Court, Judge Cox was in the full time practice of law as a partner with the law firm of Cummings, McClorey, Davis and Acho. He completed his undergraduate degree at the University of Michigan, Ann Arbor, Michigan and is a graduate of the Detroit College of Law (now Michigan State University School of Law).

Judge Cox is a former President of the Livonia Bar Association and served on the State Bar of Michigan Judicial Qualifications Committee from 1992 through 1996. He served as chair of disciplinary panels for the Michigan Attorney Grievance Commission and wrote opinions on disciplinary issues.



*Honorable Thomas L. Ludington  
United States District Judge*

**THOMAS L. LUDINGTON**

The Honorable Thomas L. Ludington was appointed to the United States District Court for the Eastern District of Michigan on June 12, 2006. He succeeds United States District Judge Paul V. Gadola who assumed senior status in January 2001. Prior to his appointment, he practiced with the law firm of Currie and Kendall, P.C., from 1980 to 1995. Thereafter, he was elected to the 42nd Circuit Court, State of Michigan, beginning his term on January 1, 1995 and served as chief judge in that court until his appointment to the federal bench. He is a former president of the Midland Bar Association and also served as chair of numerous disciplinary panels for the Michigan Attorney Grievance Commission.

Judge Ludington received his B.A. *cum laude* from Albion College and attended the University of Sussex, Brighton, England with an emphasis in philosophy and economics, 1974-1975. He graduated from the University of San Diego School of Law in 1979 and studied at the Institute on International and Comparative Law, Paris, France in 1978. He was admitted to the practice of law in 1979 in the State of California and in 1980 in the State of Michigan. During his tenure with the 42nd Circuit Court, Judge Ludington had the opportunity to sit by designation with numerous panels of the Michigan Court of Appeals.

Judge Ludington has taught various courses in the fields of law and banking, bankruptcy, and law office management. He serves as a

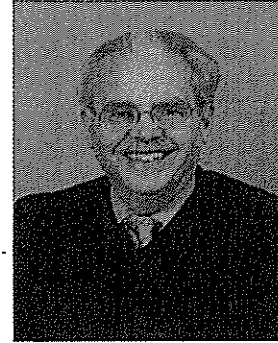
director with Albion College Board of Trustees, Saginaw Valley State University Foundation, and Rollin M. Gerstacker Foundation. He was selected as a Fellow of the American Bar Association and the Michigan State Bar Association.



*Honorable Sara Lioi  
United States District Judge*

**SARA LIOI**

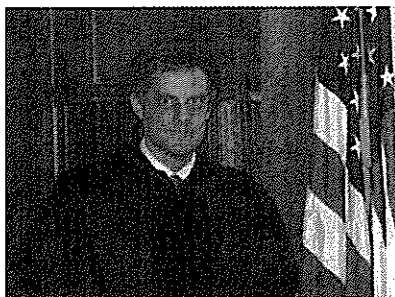
The Honorable Sara E. Lioi was appointed to the United States District Court for the Northern District of Ohio on March 16, 2007. She succeeds United States District Judge Lesley Wells who assumed senior status in February 2006. Judge Lioi is a *summa cum laude* graduate of Bowling Green State University. She received her J.D. from The Ohio State University College of Law. Following graduation, Judge Lioi was in private practice with the Canton law firm of Day, Ketterer, Raley, Wright & Rybolt, first as an associate and then as partner. In 1997 she became Judge of the Stark County Court of Common Pleas, the position she held at the time of her appointment to the District Court.



*Honorable Paul L. Maloney  
United States District Judge*

**PAUL L. MALONEY**

The Honorable Paul L. Maloney was appointed to the United States District Court for the Western District of Michigan on July 13, 2007. He succeeds United States District Judge Richard A. Enslin who assumed senior status in September 2005. Judge Maloney served as an Assistant Prosecuting Attorney for Berrien County and was appointed Chief Assistant Prosecuting Attorney and then Prosecuting Attorney before joining the United States Department of Justice as a Deputy Assistant Attorney General in 1989. In 1993, Judge Maloney was appointed Special Assistant to the Director of the Michigan Department of Corrections. In 1995 he was appointed a State District Judge for Berrien County and from 1996 to 2007 he served as a Circuit Court Judge for Berrien County, Michigan. Prior to his appointment to the bench he served as the Chief Judge on the Berrien County Trial Court for eight years. Judge Maloney received his B.A. from Lehigh University and his J.D. from the University of Detroit School of Law. He was a member of the Supreme Court Criminal Rules Committee and served as Chairman of the Michigan Sentencing Commission from 1995 to 1999.

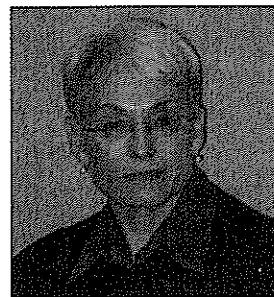


*Honorable Robert J. Jonker  
United States District Judge*

**ROBERT J. JONKER**

The Honorable Robert Jonker was appointed to the United States District Court for the Western District of Michigan on July 18, 2007. He succeeds United States District Judge Gordon J. Quist who assumed senior status in January 2006. Before taking the bench, Judge Jonker practiced commercial and environmental litigation for twenty years with the law firm of Warner Norcross & Judd LLP. His work included cases at all levels of the Michigan courts, and at all levels of the federal courts throughout the country. He was listed in *Best Lawyers in America* for business litigation.

Judge Jonker graduated with honors from Calvin College and *summa cum laude* from the University of Michigan Law School, where he was Order of the Coif. Immediately following law school, Judge Jonker worked for two years as a law clerk for United States District Judge John Feikens.



*Honorable Janet T. Neff  
United States District Judge*

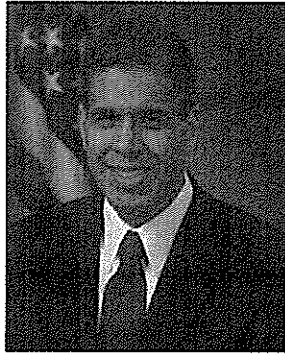
**JANET T. NEFF**

The Honorable Janet T. Neff was appointed to the United States District Court for the Western District of Michigan on August 6, 2007. She succeeds United States District Judge David W. McKeague who was elevated to the Sixth Circuit Court of Appeals in June 2005. Judge Neff was the first woman Article III Judge to be appointed in the Western District of Michigan. Prior to her appointment she served more than 18 years as a Judge of the Michigan Court of Appeals. Prior to her judicial service, Judge Neff enjoyed a varied legal career in government service and private practice after graduating from Wayne State University Law School. Judge Neff's legal practice was primarily as a trial lawyer in both civil and criminal matters in the state and federal courts of Western Michigan. Her government service included stints as an assistant city attorney for the City of Grand Rapids, a Michigan Supreme Court Commissioner and an Assistant United States Attorney. Judge Neff earned her B.A. degree, *cum laude*, from the University of Pittsburgh and her J.D. degree from Wayne State University Law School.

Judge Neff has long been involved in the legal community, counting among her honors having been the first woman elected President of the Grand Rapids Bar Association, the largest professional association in Western Michigan, and receiving the award of the Women Lawyers Association of Michigan, Western Region Outstanding Member of 2006. Her community involvement includes services as Honorary Co-Chair of the Habitat



for Humanity Women Building the Dream Project, a house totally funded and built by women volunteers.

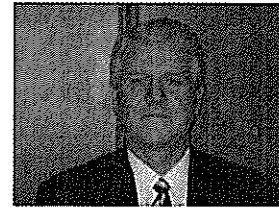


*Honorable Amul R. Thapar  
United States District Judge*

#### **AMUL R. THAPAR**

The Honorable Amul R. Thapar was appointed to the United States District Court for the Eastern District of Kentucky on January 4, 2008. He succeeds United States District Judge Joseph M. Hood who assumed senior status in October 2007. Prior to his appointment, Judge Thapar served as the United States Attorney for the Eastern District of Kentucky. While United States Attorney, Judge Thapar was appointed to the Attorney General's Advisory Committee ("AGAC") and chaired the AGAC's Controlled Substances and Asset Forfeiture subcommittee. He also served on the Terrorism and National Security subcommittee, the Violent Crime subcommittee and Child Exploitation working group. He served as an Assistant United States Attorney in the Southern District of Ohio and the District of Columbia. He also worked for the law firms of Williams & Connolly in Washington, D.C., and Squire, Sanders & Dempsey in Cincinnati, Ohio. Between 1994 and 1997, Judge Thapar served as the law clerk to the Honorable S. Arthur Spiegel, who sits on the United States District Court for the Southern District of Ohio, and the Honorable Nathaniel R. Jones, who sat on the United States Court of Appeals for the Sixth Circuit.

Judge Thapar received his undergraduate degree from Boston College and his law degree from the University of California. He has teaching experience at the University of Cincinnati College of Law and the Georgetown University Law Center in Washington, D.C.



*Honorable S. Thomas Anderson  
United States District Judge*

#### **STANLEY THOMAS ANDERSON**

The Honorable Stanley Thomas Anderson was nominated and confirmed by the Senate on April 10, 2008 as the newest United States District Judge for the Western District of Tennessee. Judge Anderson, a United States Magistrate Judge appointed in 2003, replaces United States District Judge James D. Todd, who is assuming senior status.

Judge Anderson is a graduate of the University of Tennessee and the Cecil C. Humphreys School of Law in Memphis, Tennessee.

Prior to Judge Anderson's judicial appointment he was appointed to the Tennessee Civil Service Commission, served as Assistant Commissioner of Transportation for the State of Tennessee, and appointed as the first Administrative Law Judge to the Tennessee Claims Commission, Western District. In 1987 Judge Anderson opened Anderson Law Firm in Lexington, Tennessee and in 1997 expanded to Jackson, Tennessee as Anderson Law Firm, P.L.L.C. Clients included individuals, financial institutions, national and international corporations and counties and school boards with focus in civil rights litigation.

Judge Anderson was a founding member and the first Chairman of the Board for Beech River YMCA and Secretary of the Board for Jackson-Madison County YMCA and a member of the Board of Trustees of the Henderson County Community Hospital.

Judge Anderson's association memberships include Federal Bar Association, Memphis Bar Association, Madison County Bar Association, Fellow of the Tennessee Bar Foundation and the University of Memphis Law Alumni Association.

## SENIOR STATUS

### JOHN CORBETT O'MEARA

The Honorable John Corbett O'Meara, United States District Judge for the Eastern District of Michigan assumed senior status on January 1, 2007. He was appointed to the Court in 1994. Prior to his appointment, he was a partner at the law firm of Dickinson, Wright, Moon, VanDusen & Freeman in Detroit, Michigan. Judge O'Meara is a graduate of the University of Notre Dame and the Harvard Law School. Between college and law school, he served on active duty with the United States Navy as a line officer in submarines and was engineering officer of the Navy's first guided missile submarine. After leaving the Navy, he was a staff assistant to United States Senator Philip A. Hart. Judge O'Meara taught employment law as an adjunct professor at the University of Detroit Law School. He served as an officer or member of various sections and committees of the American Bar Association, State Bar of Michigan and the Detroit Bar Association. Judge O'Meara continues to render valuable service to the Court.

### ROBERT L. ECHOLS

The Honorable Robert L. Echols, United States District Judge for the Middle District of Tennessee assumed senior status on March 1, 2007. Appointed to the Court in 1992, Judge Echols served as chief judge from 1998 to 2005. He is a graduate of Rhodes College and the University of Tennessee Law School. Upon graduation, he served as law clerk for United States District Judge Marion S. Boyd and legislative assistant for Congressman Dan Kuykendall. He was employed as an associate and later as a partner in the law firm of Bailey, Ewing, Dale & Conner in Nashville, Tennessee. He was one of the founders of the law firm of Dearborn & Ewing in Nashville where he served as partner until his appointment to the bench. Judge Echols is a member of the Federal Judges

Association, Tennessee State-Federal Judicial Council, American Bar Association, Tennessee Bar Association and the Nashville Bar Association. He serves on the Committee on the Judicial Branch of the Judicial Conference of the United States. He continues to render valuable service to the Court.

### JOSEPH M. HOOD

The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky assumed senior status on October 15, 2007. Appointed to the Court in 1992, Judge Hood served as chief judge from 2005 until his assumption of senior status. He is a graduate from the University of Kentucky where he did graduate studies in the Department of Economics and served as a graduate teaching assistant. Judge Hood then served in the United States Army where he was an infantry commander in Vietnam. Following his military service, Judge Hood attended and graduated from the University of Kentucky College of Law. Prior to his appointment, he served as law clerk to United States District Judge David Hermansdorfer and served for fourteen years as a United States Magistrate Judge for the Eastern District of Kentucky.

In 1999 Judge Hood received the Outstanding Judge Award from the Kentucky Bar Association. He served on the Judicial Conference's Financial Disclosure Committee from 1999 to 2006. Judge Hood currently serves as a Director of the Federal Judges Association. He continues to render valuable service to the Court.

### JAMES DALE TODD

The Honorable James Dale Todd, United States District Judge for the Western District of Tennessee, will take senior status on May

20, 2008. Appointed to the court in July 1985, Judge Todd served as chief judge from 2001 to 2007. Judge Todd is a graduate of Lambuth University, the University of Mississippi, and the University of Memphis Law School. Between college and law school, he served as a high school chemistry teacher. Upon graduation from law school he practiced law in Jackson at Waldrop, Farmer, Todd, and Breen. After serving two years as a circuit judge of the Twenty-Sixth Judicial District of Tennessee, he was appointed to the United States District Court for the Western District of Tennessee. He is a member of the Jackson-Madison County Bar Association and the Federal Bar Association. He plans to continue to render valuable service to the court.

## ELEVATIONS

### **JENNIFER B. COFFMAN**

The Honorable Jennifer B. Coffman became Chief Judge of the United States District Court for the Eastern District of Kentucky on October 15, 2007. She succeeds United States District Judge Joseph M. Hood who assumed senior status. Judge Coffman was appointed to the federal bench in 1993. Before her appointment she was a trial lawyer in private practice and a legal writing instructor at the University of Kentucky College of Law, from which she received a J.D. in 1978. She also holds a B.A. in English and M.S. in Library Science from the University of Kentucky. Judge Coffman's publications include two student publications in the *Kentucky Law Journal* and a chapter of *Employment Law* (University of Kentucky College of Law, Office of Continuing Legal Education 1992). She frequently speaks at law-related conventions and seminars.

Her professional activities include chairing the Kentucky Bar Association Convention, serving on the Fayette County, Kentucky Bar Association Board of Governors, and serving the UK College of Law as President of its Alumni Association and as a member of its Visiting Committee and twice on its Dean Search Committee. She was awarded the Kentucky Bar Center Award by the Kentucky Bar Association in 1993 and she was a charter member of the UK College of Law Alumni Hall of Fame. She serves the Sixth Circuit Pattern Jury Instruction Committee.

Her civic activities include Board of Directors service for both the YWCA of Lexington, Kentucky, and Shepherd Center Rehabilitation Hospital Board in Atlanta, Georgia, as well as service in various capacities at her church. She received the YWCA Woman of Achievement Award in 1994. In 2001 she received the Equipoise Award, for maintaining a family-life balance,

from the Lexington, Kentucky chapter of National Association of Women Business Owners.

### **JON PHIPPS McCALLA**

The Honorable Jon Phipps McCalla became Chief Judge of the United States Court for the Western District of Tennessee on January 1, 2008. He succeeds United States District Judge James D. Todd. Judge McCalla received his B.S. from the University of Tennessee. He then served in the United States Army as a 2nd Lieutenant in Vietnam, where he received the Bronze Star. Following his military service Judge McCalla earned his J.D. from Vanderbilt University School of Law. He was Articles Editor for the *Vanderbilt Law Review*. Upon graduation, he clerked for United States Chief District Judge Bailey Brown. Prior to his appointment he was a partner in the law firm of Heiskell, Donelson, Bearman, Adams, Williams, and Kirsch, where he was chair of the Intellectual Property Section. He is a frequent seminar speaker on numerous topics including techniques for eliminating jury bias and the examination of statistical information concerning juror questionnaire responses.

Judge McCalla's association membership activities include service on the Planning Committee for the Law School for Journalists Program (2006-2008) and the University of Memphis' Cecil C. Humphrey's School of Law Site Selection Committee (2003-2005). He co-chaired the Memphis Bar Association Bench Bar Conference and its CLE program (2005-2007), and chaired the United States District Court Committee for Revision of Speedy Trial Plan. He also serves on the Sixth Circuit Library Committee. Judge McCalla is a Master Member and the Vice-President/Counsel of the Leo Bearman, Sr. American Inn of Court (2004-2008). He is also a member of the Advisory Board of the

Federalist Society's Memphis Chapter and of the American, Federal, Tennessee, and Memphis Bar Associations.

Judge McCalla is the recent recipient of the Memphis Bar Association President's Award for Outstanding Service as Co-Chair of the 2007 Bench Bar Conference and the 2006 West Tennessee Family Solutions Award in recognition of service to people with developmental disabilities. He serves on the Memphis Rotary Club's Board of Directors and Special Projects Committee and is a member of the Economic Club of Memphis.

# UNITED STATES BANKRUPTCY COURTS

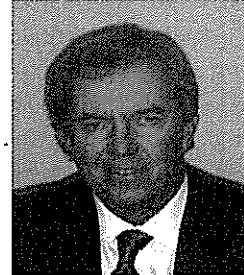
## APPOINTMENTS



*Honorable Paulette Delk*  
*United States Bankruptcy Judge*

### **PAULETTE DELK**

The Honorable Paulette Jones Delk was appointed United States Bankruptcy Judge for the Western District of Tennessee on July 1, 2006. Judge Delk received her B.A. degree from Fisk University, her M.S.W. degree from Atlanta University and her J.D. degree from DePaul University. During law school, Judge Delk served as a bankruptcy extern for the Honorable Frederick J. Hertz, United States Bankruptcy Judge for the Northern District of Illinois. After law school, she became an associate with Winston & Strawn in Chicago in its Creditors' Rights Section. Later she became an associate with the Heiskell Donelson law firm (now Baker Donelson) in Memphis in its Bankruptcy and Creditors' Rights Section. In 1987 she began her career as a law professor with The University of Memphis, Cecil C. Humphreys School of Law where she taught Debtor-Creditor Law, Secured Transactions, Remedies, Franchising and Business Reorganizations under the Bankruptcy Code. As a law professor, Judge Delk received a fellowship from the National Conference of Bankruptcy Judges, and served as Faculty Dean for the American Board of Certification. She was a recipient of the University of Memphis Law Alumni Association's Teaching Excellence Award.



*Honorable George W. Emerson*  
*United States Bankruptcy Judge*

### **GEORGE W. EMERSON**

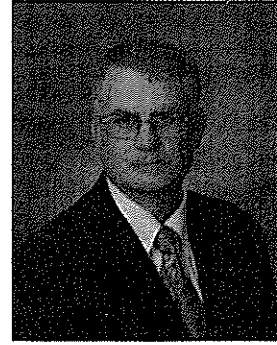
The Honorable George W. Emerson, Jr. was appointed United States Bankruptcy Judge for the Western District of Tennessee on July 1, 2006 succeeding United States Bankruptcy Judge William H. Brown who retired on May 31, 2006. Prior to his appointment to the bench, Judge Emerson served as a Chapter 13 and Chapter 7 Trustee as well as Clerk of the Western District of Tennessee Bankruptcy Court from 1983 to 1985. Prior to his service as Clerk of the Bankruptcy Court, he served as law clerk to the late Chief Bankruptcy Judge William B. Leffler. Judge Emerson received his B.A. degree, *cum laude*, from the University of Memphis and his law degree from the Cecil C. Humphreys School of Law at the University of Memphis. From 1988 until his appointment he was a partner in the law firm of Stevenson and Emerson. Judge Emerson is a member of the Memphis and Tennessee Bar Associations, and the National Conference of Bankruptcy Judges.



*Honorable Daniel S. Opperman  
United States Bankruptcy Judge*

**DANIEL S. OPPERMAN**

The Honorable Daniel S. Opperman was appointed United States Bankruptcy Judge for the Eastern District of Michigan on July 13, 2006. Judge Opperman is a magna cum laude graduate of Eastern Michigan University with a B.S. degree and majors in History and Political Science. He is a magna cum laude graduate of the Wayne State University School of Law, where he also was a Note and Comment Editor for the Wayne Law Review. Following graduation, Judge Opperman joined the law firm of Braun Kendrick Finkbeiner and was named a partner in that firm in 1987. While at Braun Kendrick Finkbeiner, his law practice concentrated in commercial litigation, bankruptcy, and real estate. Judge Opperman is a member of the Michigan Bay and Saginaw County Bar Associations. In addition to other community volunteer positions, Judge Opperman served as general counsel of the Lake Huron Area Council, Boy Scouts of America, for over a decade.

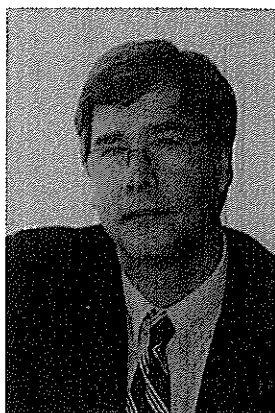


*Honorable Guy R. Humphrey  
United States Bankruptcy Judge*

**GUY R. HUMPHREY**

The Honorable Guy R. Humphrey was appointed United States Bankruptcy Judge for the Southern District of Ohio on October 2, 2007 succeeding United States Bankruptcy Judge Thomas Waldron who retired on October 1, 2007. Judge Humphrey received his B.S. from Kent State University and his J.D. from The Ohio State University's Moritz College of Law. Prior to taking the bench, Judge Humphrey practiced with Chester Wilcox & Saxbe LLP in Columbus, Ohio in the areas of commercial debtor-creditor law, bankruptcy, receivership, and litigation, representing individual and corporate debtors, secured creditors, unsecured creditors, committees, and purchasers of distressed assets.





*Honorable Scott W. Dales  
United States Bankruptcy Judge*

### **SCOTT W. DALES**

The Honorable Scott W. Dales was appointed United States Bankruptcy Judge for the Western District of Michigan on October 5, 2007. Judge Dales earned a bachelors degree from the University of Michigan in 1987 before moving to Washington, D.C. where he served as a legislative analyst for the Federal Home Loan Mortgage Corporation (Freddie Mac) and attended law school. After graduating from the George Washington University Law School, Judge Dales served as a law clerk for the Honorable Con. G. Cholakis, United States District Judge for the Northern District of New York. He then practiced law for several years in Albany, New York, with Barrett Gravante Carpinello & Stern. In 1998, Judge Dales moved to West Michigan to clerk for the Honorable James D. Gregg, Chief Judge of the United States Bankruptcy Court for the Western District of Michigan. After that clerkship and before his appointment as a bankruptcy judge, Judge Dales practiced law with Dykema Gossett, PLLC in Grand Rapids, Michigan, and served as in-house counsel to National City Corporation and its bank and non-bank subsidiaries. As a member of National City's insolvency practice group, he worked primarily with distressed commercial transactions, including National City's aircraft lease portfolio and troubled automotive supplier loans.

# ELEVATIONS

## JAMES D. GREGG

The Honorable James D. Gregg became Chief Judge of the United States Bankruptcy Court for the Western District of Michigan on October 3, 2007. He was first appointed by the Sixth Circuit Court of Appeals on June 1, 1987, and reappointed to a second fourteen-year term in 2001. He served on the Bankruptcy Appellate Panel for the Sixth Circuit Court of Appeals from 2004 to 2007. He also was a visiting judge in the United States Bankruptcy Courts for the Southern District of Florida (1997-99, 2001) and the Eastern District of Michigan (1997-99, 2001-03).

During 2002-03, Judge Gregg was the President of the National Conference of Bankruptcy Judges. He previously served as the Treasurer and as an At-Large Governor of that organization. He is now on the Board of Directors of the American Bankruptcy Institute; he previously served as the Treasurer and member of the Executive Committee of the ABI.

Judge Gregg is a co-author of *Michigan Practice Guide: Enforcing Judgments and Debts* and is a contributing editor to *Norton Bankruptcy Law & Practice 2d*. He previously taught bankruptcy law courses at The Thomas Cooley Law School and is a Fellow (Class VIII) in the American College of Bankruptcy. He has been an education chair, a speaker, or a panelist at more than one hundred educational seminars for many organizations throughout the United States.

Prior to his appointment, he specialized in commercial law, bankruptcy, and corporate reorganizations, was a partner of Varnum, Riddering, Schmidt & Howlett in Grand Rapids, Michigan, and was designated in *The Best Lawyers in America* (1987). Judge Gregg earned an undergraduate degree from Michigan State University, a masters degree

from Central Michigan University, and a J.D. degree (*magna cum laude*) from Wayne State University.

## MARILYN SHEA-STONUM

The Honorable Marilyn Shea-Stonum became Chief Judge of the United States Bankruptcy Court for the Northern District of Ohio on January 3, 2008. Judge Shea-Stonum received her J.D. from Case Western Reserve University (Order of the Coif) and her A.B. from the University of California at Santa Cruz (college honors and honors in major), she has served as a United States Bankruptcy Judge for the Northern District of Ohio at Akron since 1994. In 2008 she commenced a four-year term as a member of the Bankruptcy Appellate Panel for the U.S. Court of Appeals for the Sixth Circuit.

She recently completed a four year term as the editor in chief of *The American Bankruptcy Law Journal*, a *Quarterly Law Journal of the National Conference of Bankruptcy Judges*. She is now serving on the NCBJ's Endowment Board and is a member of the planning committee for the educational program to be presented at the NCBJ's annual meeting. Prior to her judicial appointment, she was a partner with Jones Day Reavis & Pogue. In 1975-76 she served as a law clerk to the Honorable Frank J. Battisti.

Since 2000, she has worked with the Court's Attorney-Constituent Group, her judicial colleagues and the Court's management staff in the Northern District of Ohio to organize a Northern District of Ohio Bankruptcy Bench-Bar Retreat every two years.

## RETIREMENTS

### WILLIAM HOUSTON BROWN

The Honorable William Houston Brown, United States Bankruptcy Judge for the Western District of Tennessee at Memphis, retired on May 31, 2006. Appointed to the Court on October 9, 1987, Judge Brown was serving his second 14-year term. He received his B.A. from Union University in Jackson, Tennessee; his M.A. from Middle Tennessee University and his J.D. from the University of Tennessee College of Law, graduating first in his class and Order of the Coif. Following graduation from law school he served as Assistant Professor at Jackson State Community College; Assistant Dean at the University of Tennessee College of Law; Associate Professor at the University of Wyoming College of Law and at the University of Mississippi College of Law, the position he held at the time of his appointment. Judge Brown is the author of *Bankruptcy Exemption Manual; Bankruptcy Jury Manual; TN Debtor-creditor Law and Practices*; and was a contributing editor to *Norton Bankruptcy Law Practice*.

### THOMAS F. WALDRON

The Honorable Thomas F. Waldron, United States Bankruptcy Judge for the Southern District of Ohio at Dayton, retired on October 1, 2007. Judge Waldron was originally appointed on July 8, 1985. He served as Chief Judge of the Southern District of Ohio Bankruptcy Court and as Chief Judge of the Bankruptcy Appellate Panel of the Sixth Circuit. He is a graduate of the University of Cincinnati Law School.

Judge Waldron is a Fellow of the American College of Bankruptcy, a member of the adjunct faculty at the University of Dayton Law School, a contributing editor to the *Norton Bankruptcy Law Practice Treatise* and one of the judicial co-chairs of the American Bankruptcy Institute's consumer committee.

He was a founding member of the American Bankruptcy Law Forum, which is now named for him (Thomas F. Waldron American Bankruptcy Law Forum). He serves as the advisor for the National Association of Chapter 13 Trustees Academy for Consumer Bankruptcy Education. Judge Waldron is a frequent speaker at national, regional and local bankruptcy education programs.

### JO ANN C. STEVENSON

The Honorable Jo Ann C. Stevenson, United States Bankruptcy Judge for the Western District of Michigan, retired on October 2, 2007. Judge Stevenson started her illustrious legal career when she graduated cum laude from the Detroit College of Law at Michigan State University in June of 1979. During law school she was a member of the National Moot Court Team and the Moot Court Board, and also the co-director of the first year Moot Court Program. She was the winner of the American Jurisprudence Book Award for both Contracts I and II. She received the Excellence in the Study of Law Certificates Award for all three years of law school.

During law school, Judge Stevenson worked as a law clerk to George T. Roumell, Jr. in the firm of Riley & Roumell in Detroit, Michigan. Upon graduation, Judge Stevenson clerked for the Honorable Vincent J. Brennan in the Michigan Court of Appeals and later for the Honorable Cornelia G. Kennedy in the United States Sixth Circuit Court of Appeals.

Judge Stevenson was a Managing Associate in the Corporate Insolvency practice group at the firm of Hertzberg, Jacob and Weingarten in Detroit, Michigan when she was appointed a United States Bankruptcy Judge on December 23, 1987. Judge Stevenson was the first woman in the Western District of Michigan to be appointed to the federal bench.

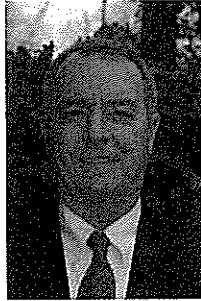
During the time Judge Stevenson was on the bench, she also taught Bankruptcy Reorganization and Debtor/Creditor Relations at her alma mater. She has given numerous presentations and speeches and participated in many panels including conferences for the Federal Bar Association Bankruptcy Seminar, the Conference for Chief Bankruptcy Judges, the American Bankruptcy Institute, the Grand Rapids Bar Association, the University of Michigan Institute of Public Policy Studies and the Sixth Circuit Judicial Conference.

Judge Stevenson has also been an active member of the Women Lawyer's Association of Michigan, the National Association of Women Judges, the Grand Rapids Bar Association, the Federal Bar Association, the American Inns of Court, the Joint Steering Committee for the Gender Fairness Task Force and a Racial/Ethnic Task Force in the Sixth Circuit, and the Standing Local Rules Committee for the United States Bankruptcy Court for the Western District of Michigan.

Judge Stevenson's departure from the bench will certainly mark a new chapter in her life, which will surely be as successful as her legal career. Though she plans to remain active in the Grand Rapids area, she plans to enjoy spending more time with her husband, Marshall Grate, and her many grandchildren.

# UNITED STATES MAGISTRATE JUDGES

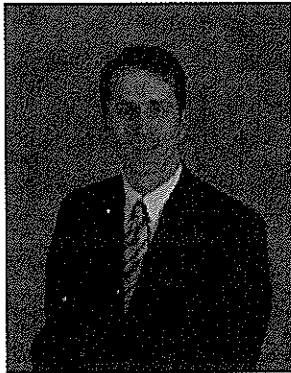
## APPOINTMENTS



*Honorable John S. Bryant  
United States Magistrate Judge*

### **JOHN S. BRYANT**

The Honorable John S. Bryant was appointed United States Magistrate Judge for the Middle District of Tennessee on August 3, 2006. Judge Bryant graduated from Davidson College and Vanderbilt University School of Law. Prior to his appointment to the bench, Judge Bryant practiced civil litigation in Nashville for 33 years, first with the firm of Bass, Berry & Sims and later with Walker, Bryant, Tipps & Malone.



*Honorable Edward B. Atkins  
United States Magistrate Judge*

### **EDWARD B. ATKINS**

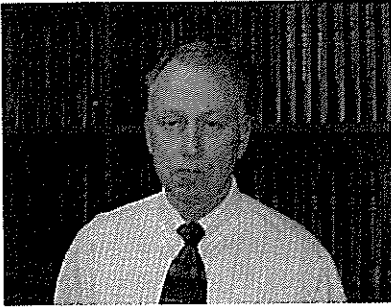
The Honorable Edward B. Atkins was appointed United States Magistrate Judge for the Eastern District of Kentucky on August 24, 2006. He received a Bachelor's degree in Biology from Centre College, Danville, Kentucky, and was employed with the University of Kentucky Department of

Medical Microbiology and Immunology from 1984-1987. In 1990, he graduated from the University of Kentucky College of Law, and served as a law clerk for United States District Judge Joseph M. Hood from 1990-1992. He then entered private practice with the Pikeville, Kentucky firm of Todd & Smith, and became a partner in Smith, Atkins & Thompson, PLLC, where he maintained an active mediation practice as well as a practice in general civil and criminal law. He is a fellow of the Kentucky Bar Foundation, and previously served on the Kentucky Bar Association's Ethics Committee.

### **ROBERT E. WIER**

The Honorable Robert E. Wier was appointed United States Magistrate Judge for the Eastern District of Kentucky on September 1, 2006. A Harlan, Kentucky native, he graduated with High Distinction and Departmental Honors from the University of Kentucky, where he was Phi Beta Kappa and received a B.A. in English. He was Valedictorian and graduated with High Distinction from the University of Kentucky College of Law, receiving his J.D. In law school, Magistrate Judge Wier served as Editor-in-Chief of the *Kentucky Law Journal*, Volume 980.

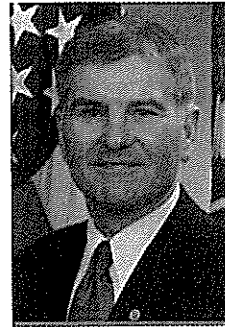
From 1992-1993, Judge Wier served as a law clerk for United States Circuit Judge Eugene E. Siler, Jr. From 1993-1995, he was an associate with the law firm of Stoll, Kennon & Park LLP in Lexington, Kentucky. From 1996 until his appointment, Judge Wier was a member of the law firm of Ransdell & Wier PLLC in Lexington, Kentucky, where he had a general civil trial and appellate practice in state and federal court.



*Honorable Michael J. Hluchaniuk  
United States Magistrate Judge*

**MICHAEL J. HLUCHANIUK**

The Honorable Michael Hluchaniuk was appointed United States Magistrate Judge for the Eastern District of Michigan on December 24, 2007. He received a bachelor's degree from the University of Michigan and a law degree from Wayne State University. His previous legal employment was with the Michigan Court of Appeals, the Jackson County Legal Aid Society, the Greater Lansing Legal Aid Bureau, a private practice in East Lansing and the United States Attorney's Office for the Eastern District of Michigan. He is a member of the State Bar of Michigan, the Federal Bar Association, and the Genesee County Bar Association.



*Honorable Gregory A. White  
United States Magistrate Judge*

**GREGORY A. WHITE**

The Honorable Gregory White was appointed United States Magistrate Judge for the Northern District of Ohio on March 1, 2008. He succeeds United States Magistrate Judge Patricia A. Hemann who retired in February 2008. Prior to his appointment, Judge White served as the United States Attorney for the Northern District of Ohio. While United States Attorney, he was appointed to the Attorney General's Advisory Committee and chaired the Law Enforcement Coordinating, Victim, and Community Issues subcommittee. He also served on the Terrorism and National Security, the Border Issues, and the Violent Crime subcommittees. He is a past chairperson of the Cleveland Federal Executive Board. He served as the Lorain County, Ohio, Prosecuting Attorney for 22 years, during which time he was a member of the Ohio Criminal Sentencing Commission from 1990 to 2001.

Judge White graduated from Kent State University in 1973 with a Bachelor of Arts Degree in Criminal Justice and Police Administration. He received his Juris Doctorate from Cleveland Marshall College in 1976, graduating Magna Cum Laude.

Judge White served in the United States Marine Corps during the years 1968 and 1969. His service included a Vietnam tour of duty with the Ninth Infantry Regiment.

## RETIREMENTS

### JOE B. BROWN

The Honorable Joe B. Brown, United States Magistrate Judge for the Middle District of Tennessee, retired on August 2, 2006. Prior to his appointment as Magistrate Judge, he served from 1971 to 1981 as First Assistant United States Attorney for the Middle District of Tennessee and from 1981 to 1991 as United States Attorney for the Middle District of Tennessee. From 1991 to 1998 Judge Brown was Special Assistant United States Trustee. He is a *cum laude* graduate of Vanderbilt University and an Order of the Coif graduate of its law school. In 1962 he was commissioned a 2LT from ROTC, and served on active duty from 1965 to 1971, U.S. Army, Judge Advocate General's Corps. Judge Brown retired as a COL in 1992 from the U.S. Army Reserve. He is a member of the Tennessee and Nashville Bar Foundations; and the Kentucky and Nashville Bar Associations. Judge Brown is a member of Phi Beta Kappa. He continues to serve the District in recall status.

### PEGGY E. PATTERSON

The Honorable Peggy E. Patterson, United States Magistrate Judge for the Eastern District of Kentucky, retired on August 24, 2006. She is a *cum laude* graduate of Centre College, Danville, Kentucky; and since 1999, she has been a member of Centre's Board of Trustees. She received her J.D. from the University of Kentucky College of Law where she was a member of the National Moot Court Team and the Order of Barristers. Judge Patterson served as law clerk to the late H. David Hermansdorfer, former United States District Judge for the Eastern District of Kentucky. She then entered private practice with the Ashland office of Ogden, Newell & Welch; first as an associate, then as partner, and finally as co-chair of litigation. Judge Patterson was appointed Magistrate Judge in 1990 and completed her second term at the time of her retirement. She has been a

frequent speaker on Federal Civil Litigation topics at Kentucky Bar Association and Federal Bar Association Continuing Legal Education programs and at Federal Judicial Center educational programs for magistrate judges.

Judge Patterson's contributions to the judiciary are shown by her service on the Sixth Circuit Judicial Council; the standing committee on the Sixth Circuit Judicial Conference; Administrative Office Advisory Committee for Magistrate Judges; and the Magistrate Judge Education Committee of the FJC. She is a Fellow of the Kentucky Bar Foundation; and a member of the American Judicature Society and American and Federal Bar Associations.

### J.B. JOHNSON, JR.

The Honorable J. B. Johnson, Jr., United States Magistrate Judge for the Eastern District of Kentucky at London, retired on August 31, 2006. Appointed as a part-time magistrate in 1987, he became a full-time magistrate in 1996. Judge Johnson is a graduate of the University of Kentucky and its Law School. In 1961 he entered the United States Air Force as a 1st Lt. and was discharged as a Captain in 1964 after service as Assistant Staff Judge Advocate. Prior to his appointment as magistrate, Judge Johnson was in private practice from 1965 to 1973 and from 1984 to 1996. From 1973 to 1984 he served as Judge of the 34th Judicial Circuit of Kentucky. In 1983 he served as Faculty Adviser at the National Judicial College. Judge Johnson was a member of the Board of Governors of the Kentucky Bar Association from 1991 to 1996; and was a member of the Association of Trial Lawyers of America; and the American Bar Association.

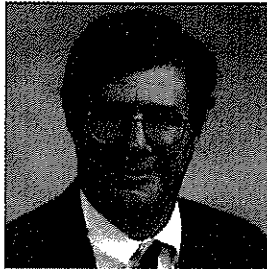
**PATRICIA A. HEMANN**

The Honorable Patricia Hemann, United States Magistrate Judge for the Northern District of Ohio, retired on February 29, 2008. Judge Hemann received her B.A. *cum laude* from the University of Illinois and her J.D. *summa cum laude* from Cleveland Marshall Law School. Judge Hemann was the first woman magistrate judge appointed in the Northern District of Ohio, serving on the bench from April 12, 1993 to February 29, 2008.

Judge Hemann served as law clerk to the Honorable William K. Thomas from 1980 to 1982. She joined the law firm of Hahn Loeser & Parks in 1982 where she was a partner in the litigation and health law areas until her appointment to the bench. She is a member of the Ohio Women's, Greater Cleveland (Trustee, 1997-2000), Federal and American Bar Associations and the Cleveland-Marshall College of Law Visiting Committee.



**OFFICE OF THE CLERK  
UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**



*Leonard Green, Clerk*

**APPEALS FILED BY CASE TYPE**

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Federal Question	629	561	557
Diversity	320	299	317
Civil Rights	575	507	563
Criminal	1370	1276	1141
Prisoner	1861	1788	1623
Agency	466	398	333
Bankruptcy	61	67	62
Social Security	55	44	37
Original Proceedings	55	65	75
Tax Court	<u>24</u>	<u>21</u>	<u>17</u>
	5416	5026	4725

The end of 2007 found the court's docket in sound condition. For the second consecutive year new filings decreased, allowing the court to gain ground on its pending caseload. As the chart above indicates, from the beginning of 2005 through the end of 2007 filings decreased by nearly 13%, from the high water mark of 5416 in 2005 to 4725 in 2007. These two years of lower filings mirror the national experience, during which every one of the circuit courts saw its filings decrease, with

aggregate declines of 9% in 2006 and 9.2% in 2007.

While filings have been decreasing the level of dispositions has as well, but at a lesser pace; dispositions have declined by 3.6% in each of the last two years. Even with that decrease, however, the court has continued to decide more cases than it filed. The effect of the court's being able to maintain this high level of dispositions is most visible in the

length of time mature cases must wait to be placed on the oral argument calendar. Not too long ago that wait was routinely ten or more months; the wait for oral argument from the completion of briefing is now in the five-month range. The court maintains a heavy argument docket so that it can continue to hold to its commitment to offer oral argument in every appeal in which counsel desires it.

The fourteen active and eight senior Sixth Circuit judges are grateful for the assistance of those visiting district court judges, as well as judges from other circuit and national courts, who take time away from their own busy dockets to sit with the Sixth Circuit to provide the judicial resources necessary to enable it to offer oral argument in as many cases as possible.

#### **THE CAPITAL DOCKET**

The court's capital case docket remains heavy and growing. During 2007 23 new appeals and applications were brought by litigants under sentence of death. At years' end over 60 capital cases were pending on the court's docket, which is a prodigious consumer of the judges' time and effort. Each capital case calls for an enormous investment of judicial resources to plumb the extensive record to identify the issues which must be resolved in order that each case receive the full measure of thoughtful attention it deserves. No respite is in sight, and this uniquely demanding sector of the docket is expected to continue to grow.

#### **ELECTRONIC CASE FILING**

As this is written the court of appeals is on the cusp of implementing the Electronic Court Filing system (ECF) which has been years in the making. ECF is the vehicle for the electronic filing of case-related documents by counsel directly onto the court's docket, as well as for the electronic service of those filings on opposing counsel. Similarly, all orders, opinions, and the like issued by the court will be transmitted electronically to all counsel who have entered an appearance in

the case. The appellate version of ECF is similar in concept and format to the ECF systems which have been in place for some time in the district and bankruptcy courts, although the systems differ in the specifics.

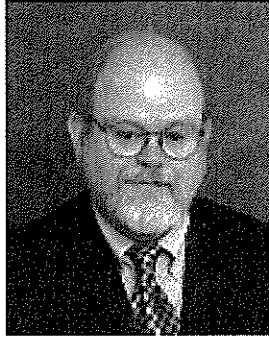
The implementation of ECF will result as well in changes to a number of the court's local rules and its procedures. Principal among these changes is the elimination of the proof brief/final brief sequence which has been unique to the Sixth Circuit, as well as the elimination of the requirement that appellants file a joint appendix to complement the briefs of the parties.

The development of ECF and the tailoring of the national framework to the particular needs of the Sixth Circuit has been successfully led by the court's own IT Section, in which effort it has worked in partnership with the court's IT Committee, the Advisory Committee on Rules, the Administrative Office of the U.S. Courts, and numerous others.

\* \* \* \* \*

The Clerk's Office remains committed to providing the court and those who come before it with service of the highest level, and to working closely with counsel to ensure that appeals proceed expeditiously through the appellate process. The Clerk welcomes comments and suggestions from the bar.

## OFFICE OF THE STAFF ATTORNEYS



*Tim Schroeder*  
*Senior Staff Attorney*

The Office of the Staff Attorneys is centrally located in Cincinnati. The Senior Staff Attorney is responsible for the personnel, administrative, and operational activities of the office. With the assistance of two supervisory staff attorneys, the Senior Staff Attorney substantively reviews all of the office's work product and written submissions to the Court. The office currently has 23 line staff attorneys, six support staff, and an administrative manager. The line staff attorneys are a mix of career and term personnel. The average tenure of the career staff attorneys is more than a decade, and several have served the Court in that capacity for more than twenty years. The term attorneys are usually recent law school graduates, and serve for two years, with one option for renewal at the conclusion of their initial terms. Individual staff attorneys have brought a widely diversified legal background to the office, coming to the court from private practice, judges' chambers, other appellate courts, federal agencies, legal aid offices, or straight from law school.

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. The current Senior Staff Attorney, Tim Schroeder, is only the second to be employed by the Circuit in the intervening 32 years.

The Office of the Staff Attorneys provides legal support services to the court. Its primary mission is to assist the court in processing all *pro se* appeals that, under the criteria set forth in Sixth Circuit Rule 34(j) and Fed. R. App. P. 34, do not require oral argument. These appeals have over the last five years averaged over 40% of all new appeals filed in this circuit. A significant number of them involve prisoners, either taking a direct appeal of their federal convictions and sentences, challenging convictions via habeas corpus and other post-conviction remedies, or complaining about the conditions of their confinement.

Those cases that are shown, via the initial staff attorney screening process, to fall within one of the aforementioned criteria are assigned to individual staff attorneys for record review, research, and preparation of a comprehensive legal memorandum which recommends a disposition to the Court. The office also performs the same function in counseled appeals in which both parties waive

oral argument pursuant to Fed. R. App. P. 34(a)(1). These "waiver" cases may involve any subject matter or cause of action that is cognizable on appeal. Immigration cases represent an increasingly large percentage of these waiver cases.

Last year, the staff attorneys referred a total of 950 fully briefed cases to panels for disposition without oral argument. Of those cases, 934 were terminated without oral argument. This represents 34% of the Circuit's dispositions after full briefing.

The staff attorneys' involvement in *pro se* appeals starts as soon as the notice of appeal is filed, when the office's jurisdictional expert screens the case to determine whether appellate jurisdiction properly applies. In addition to all *pro se* appeals, this staff attorney screens all appeals involving prisoners' post-conviction challenges to their convictions and/or sentence, whether or not the prisoner has counsel. If jurisdictional problems are detected during this initial screening process, the Staff Attorneys Office will prepare show cause orders to be issued, and will, in the appropriate case, prepare a comprehensive legal memoranda for the Court recommending that the appeal be dismissed before briefing is commenced. Last year, 270 such memoranda were submitted to three-judge motions panels and 243 cases were dismissed for lack of jurisdiction based on the staff attorneys' recommendations. This represented 27% of the total jurisdictional dismissals in calendar year 2007.

The Office of the Staff Attorneys plays a crucial role in all habeas corpus and related cases, reviewing, processing, and presenting written recommendations on all applications for a certificate of appealability, whether filed *pro se* or by counsel. These are dispositive motions, as the appeal cannot proceed without a certificate of appealability. Last year, the office submitted 773 memoranda to the court in such cases. The staff attorney plays the

same role in cases where an inmate seeks permission to file a second or successive habeas corpus petition or motion to vacate in the district court. These cases are original proceedings, as the inmate must first receive authorization from the court of appeals before he may proceed in the district court. The staff attorneys office processed and presented 225 such cases last year.

A specialized death penalty unit within the office is increasingly involved in all appeals involving a sentence of death. Formed in 2002 to assist the Court in processing applications for certificates of appealability in capital appeals, over the ensuing years the unit's mission has grown to include the preparation of bench briefs in fully briefed cases and other tasks as assigned by the panels in those cases. Last year, that unit processed 15 certificates of appealability and submitted 25 bench briefs.

The office also maintains and updates several substantive manuals for use by court staff. The *Habeas Corpus and Death Penalty Reference Manual* and a *Compendium of Sixth Circuit Case Law* are accessible to all federal court personnel in PDF format, with hyperlinks to all source materials, on the Court's intranet site. Both are updated yearly.

#### **CJA BUDGETING ATTORNEY**

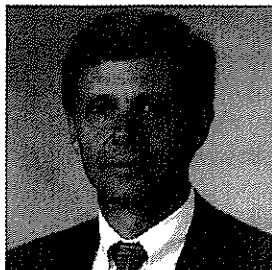
Last year, the Sixth Circuit was chosen by the Administrative Office of the United States Courts to participate in a three-year CJA budgeting attorney pilot project. The project originated as a cost-containment suggestion adopted by the Judicial Conference at its September 2003 meeting, prompted by what was perceived as the consumption of a disproportionately high percentage of CJA funds by a relatively small percentage of cases, mostly capital cases (both capital prosecutions and habeas corpus) and complex, multi-defendant, multi-count non-capital cases ("mega-cases").

The Conference felt that providing objective case-budgeting advice and assistance to judges would assist them in determining whether CJA attorney, investigative, expert, and other services payment claims are necessary and reasonable, and, ultimately, would reduce the costs associated with these cases. The Committee on Defender Services recommended, and the Judicial Conference approved, three Administrative Office funded positions to be located in Circuit Courts of Appeals and provide circuit-wide support in the budgeting and payment processes. The Ninth and Second circuits were also chosen to participate.

After a circuit-wide recruitment process, a selection committee selected Robert J. Ranz to fill the pilot position. Mr. Ranz, a graduate of Xavier University and Salmon P. Chase School of Law, has been a private practitioner in the Cincinnati area for 27 years, focusing primarily on criminal defense. He has extensive experience trying complex felony, murder, and capital murder cases in the Ohio courts, both as retained and appointed counsel.

Mr. Ranz spent the first months of his employ working with the court to streamline the procedures in place for the processing and approval of excess vouchers. He has and continues to work directly with district court judges and staff, public defenders, and CJA appointees in efforts to design, promote, and implement uniform and consistent budgeting practices in the district court. More importantly, Mr. Ranz is actually budgeting targeted cases in almost every district in the circuit. He has been or is currently involved in the budgeting process in fourteen federal capital prosecution cases, nine capital habeas corpus cases, and five "mega-cases." Mr. Ranz's position is supported by, and his office is located in, the Office of Staff Attorney. He can be reached at 513.564.7358.

## OFFICE OF THE CIRCUIT MEDIATORS



*Robert Rack  
Chief Circuit Mediator*

### *For Calendar Year 2007*

Total Cases Mediated	802
Total No. Settled*	292
Overall Settlement Rate	36%
BAP Cases Mediated	41
No. Settled	15
Settlement Rate	35%
Cases Referred by Hearing Panels	7
No. Settled	3
Settlement Rate	43%
Cases with In-Person Conferences**	20
No. Settled	8
Settlement Rate	40%

\*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 some of these cases would have settled or voluntarily dismissed even without the program's intervention.

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

### **OBJECTIVES**

The mediation office initiates and facilitates confidential settlement discussions in Sixth Circuit civil appeals and 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.

### **CASE SELECTION**

Cases can get into mediation three ways. Most are selected randomly from the pool of cases considered most amenable to mediation. That pool includes all fully counseled civil cases except prisoner and tax cases and most federal agency (such as NLRB and Social Security) cases. Conferences typically are not scheduled in Sixth Circuit or BAP appeals while substantive motions, show cause orders, or apparent fatal jurisdictional problems are pending. Notwithstanding these routine exclusions, parties may request mediation in any fully counseled civil case. Such requests are nearly always granted and are treated by the mediation office as confidential. Finally, cases occasionally are referred by hearing panels just before or after oral argument.

### **TELEPHONE OR IN-PERSON CONFERENCES**

Due to the size of the Circuit, the great majority of initial conferences are conducted by telephone to reduce parties' expenses. There sometimes are advantages to in-person conferences, however, and counsel are encouraged to suggest in-person meetings whenever they think it would enhance chances of success. Cases in which all counsel work within 50 miles of Cincinnati are routinely mediated in person.

### **THE MEDIATORS**

The office currently employs four experienced mediators. All are lawyers, with varied prior experience, and all have extensive negotiation/mediation training. All are based in Cincinnati. While each mediator's style will differ somewhat, all adopt a mostly facilitative approach, meaning they are more likely to try to assist parties in developing settlement options, evaluating the merits of appellate issues, and appraising the settlement value of the case, than to urge specific solutions.

#### ***In Memoriam***

*We note with sadness the passing of our colleague, Charles Tobias (1921 - 2007). Charles served litigants as a Sixth Circuit mediator from 1994 until his retirement in September of 2007.*

### **DISTRICT COURT MEDIATOR**

In August of 2007, the Federal Court for the Southern District of Ohio established a district staff mediator program. The Circuit Mediation Office is sharing office and conference room facilities and clerical support with the new District Mediator.

The Circuit Mediators welcome suggestions as to how they can better serve parties, counsel, or the judiciary in particular cases or in general. All are invited to call or write with ideas before conferences or at any other time.

Submitted by:  
Robert W. Rack, Jr.  
Chief Circuit Mediator

## UNITED STATES COURTS LIBRARIES



*Kathy Joyce Welker  
Circuit Librarian*

Ten libraries are located in federal courthouses throughout the four states of the Sixth Circuit. All are open to court personnel and to those admitted to federal practice. Each library is staffed by at least one professionally trained librarian. Administrative coordination and support for all of these libraries are provided by staff in the Cincinnati library.

The work of library staff is guided by the principle that we strive to provide excellent research support services to our clientele. This support can range from researching a case-related issue, to negotiating license agreements that are favorable to our desk-top researchers, to buying a book for a staffed library or chambers, to training researchers, to designing services tailored to the identified needs of particular library users, and to organizing our resources so that users can readily access the information they need to do their jobs.

There are groups and individuals within the judiciary that benefit from receiving services from librarians that are tailored to their particular needs. For example, those who work in the field of bankruptcy are now, upon request, receiving bankruptcy news letters designed for them by librarians. Our librarians have used both Westlaw Watch and Lexis Publisher to accomplish this. Another service example is routing subject matter

materials or forwarding articles on a particular topic to those who are involved in on-going research in a specific subject area. Many of these services (e.g., the Around the Circuit news service or the Librar-E-Briefs electronic newsletter tailored to the specific needs of law clerks) have been around a number of years but they remain among our most popular.

Our librarians have the responsibility for selecting, ordering, and organizing research support sources. These resources may be located in one of our over 400 book collections (in libraries, chambers, court offices) or on the desk-tops of judicial personnel. A major effort in the last year has been to provide desk-top access to thousands of additional electronic resources. The path to these sources is through the on-line catalog of holdings. In one year, about 3000 full-text sources were added to each of our ten on-line library catalogs.

Another path to accessing valuable research support services is via our library website. This site is updated daily and is a quick and easy place to find frequently used on-line sources. For example, here is the place to link to blogs related to the work of the courts, locate state and federal pattern jury instructions, and access our newly purchased collection of congressional hearings. This hearings collection is particularly noteworthy because it provides, for the first time, full-text



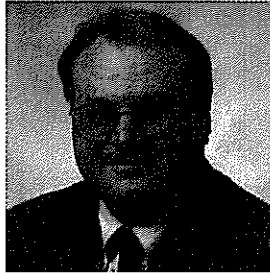
searching of hearings from 1824 to present. The completion date for all hearings within this period will be December, 2008. Taking into consideration this service along with the on-line serial set collection purchased in 2005, our circuit has access to the most comprehensive on-line and full-text collection of legislative history materials found anywhere in the federal judiciary.

Another library initiative has been to add the court history to the Sixth Circuit's public internet site. A part of this new history includes information about Magistrate Judges and Bankruptcy Judges. This is in addition to the information that has traditionally been part of the court history that focuses on Circuit and District Judges.

In planning for the future, library staff is now developing a digitization program. Focusing on court-produced publications, court history materials and specialized collections housed in only one location, we will identify materials that should be converted into on-line resources so that court personnel can access them from their desktops. To accomplish this goal, library staff will select and acquire a robust digital archiving system, obtain specialized training, and then select, scan and organize these resources for our users.

The logo for the libraries of the Sixth Circuit captures our strengths and guiding principles. It reads: U.S. Courts Library – Service • Information • Experience. We serve all of the courts and court staff and those who practice law there. We research, evaluate, and provide information. We are experienced because we work closely with our clientele day in and day out. This is our ideal. This is the goal toward which we strive.

## 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 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 has docket information, published opinions, oral argument calendar, local rules and operating procedures, and a variety of status reports on appellate cases. The site also contains a number of appellate forms (e.g., *Notice of Appeal*, *Attorney Admission*, *Transcript Purchase Order* and forms associated with CJA appointments). There is other information relating to the Sixth Circuit

Judicial Council, Circuit Executive's Office (e.g., pattern jury instructions, bankruptcy judge selection procedures, and information about the circuit judicial conference) and Circuit Mediation Office on the site. The Internet address for the Sixth Circuit's website is [www.ca6.uscourts.gov](http://www.ca6.uscourts.gov). With the exception of the Court's docket information, there is no fee charged for viewing information. The docket information is available on the site as part of PACER. PACER 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. 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](http://www.pacer.psc.uscourts.gov).

Last August the Sixth Circuit began using the appellate version of the CM/ECF system. This system is similar to the systems already in operation in the district and bankruptcy courts in the circuit. Like those systems, the

appellate version allows for electronic filing by attorneys representing parties before the Court of Appeals, though that feature was not activated in August. It is anticipated that the electronic filing component will be in full operation by June of this year. In fact, attorneys who are admitted to practice before the Sixth Circuit may now register to begin electronic filing when it becomes available. To register go to the PACER Service Center on the Internet at: [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov). Once there, select "Appellate ECF Filer Registration." The instructions on that page will help you to register.

***REPORTS OF THE  
UNITED STATES DISTRICT COURTS  
FOR THE SIXTH CIRCUIT***

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



*Honorable Jennifer B. Coffman  
Chief Judge*

**COURT PERSONNEL**

The district has six Active District Judges (the sixth judgeship is shared with the Western District of Kentucky) plus five Senior District Judges. Four of our six jury divisions have a full-time U.S. Magistrate Judge. The six jury divisions form three administrative divisions of the Court: Northern, Central, and Southern. All six jury divisions have at least one resident judge. There are three full-time *Pro Se* Law Clerks, 46 employees in the Clerk's Office, and 62 employees in the Probate Division. Chief Judge Jennifer B. Coffman became Chief Judge in October, 2007.

The newest District Judge, Amul R. Thapar, replaces Judge Joseph M. Hood, who took senior status on October 14, 2007. Judge Thapar was confirmed on December 13, 2007, and took the oath of office on January 4, 2008. Judge Thapar, a native of Toledo, Ohio, graduated from Boston College and received his law degree from the University of California. He was a law clerk for the Southern District of Ohio and the Court of Appeals for the Sixth Circuit. He served as Assistant U.S. Attorney for the District of Columbia and the Southern District of Ohio. He was U.S. Attorney for the Eastern District

of Kentucky when appointed to the bench. His duty station is London, Kentucky.

Within a nine-month period of time, three District Judges and one Magistrate Judge have had a relocation of their duty stations within the district. The realignment process has necessitated the extensive renovation of chambers and/or courtrooms in four of our six courthouses.

**CASELOADS**

For some years, the Western District of Virginia has processed all petty offense cases arising from conduct in the Cumberland Gap National Historic Park setting at the junction of Tennessee, Virginia, and Kentucky. The Eastern District of Kentucky has recently agreed, with the consent of the other two districts, to assume responsibility for all Park cases for the next eighteen months.

The District has one of the highest rates of Social Security filings in the United States. The filing rate of civil cases is generally lower, while criminal cases are rising. Appended are Exhibits A, B, and C showing caseloads for the last ten years.

### INFORMATION TECHNOLOGY

Automated evidence presentation is now available in multi-courtrooms in each courthouse in the district. The automated systems were designed by the local automation staff following Administrative Office requirements for a state-of-the-art system. In addition, each courthouse has one courtroom equipped with remote court interpreter capacity as well as video teleconferencing.

We have designed a web page for use by jurors containing all jury information and a page designed for each divisional clerk's office to post local juror reporting information on a daily basis.

In cooperation with the Western District of Kentucky, under joint local rules and a joint operations manual, attorneys statewide practice in both districts under identical rules and procedures in relation to electronic case filings.

Our automation department has designed a process of locally producing court identification cards meeting Administrative Office requirements.

### NEW CRIMINAL JUSTICE ACT PLAN

The Eastern District of Kentucky is one of two districts in the United States to have no Federal Public Defender, thereby using only panel attorneys for representation under the Criminal Justice Act of 1964. The new Criminal Justice Act Plan replaces the previous Plan effective since 1987. The revised Plan creates a formal CJA Committee, chaired by a District Judge, charged with the duties of panel selection, evaluation, training, mentoring practices, and the design of standardized appointment processes. The revisions also provide for the identity of certain panel members for appointment to complex cases to assure thoughtful evaluation of expertise requirements in categorically significant matters. The Court will ultimately

control in all matters delegated to the Committee.

### COURT HISTORY PROJECT

This summer will see the publication of a third court history covering the period from 1901, when the state was divided into the Eastern and Western Districts, through 2006. The hard-cover book, with dust cover, will contain 275 pages including many photographs. The book is authored by University of Kentucky law professor William Fortune. The content of the book will feature information from court documents, dozens of interviews, newspaper accounts, and the diary of Judge Mac Swinford. The text will describe an eclectic mix of cases and criminals including Newport gambling, the bank robbers who worked at Alfalfa Restaurant, super-snitch Jay Spurrier, and Boprot prosecutions. Fortune describes the transition to a modern court with many judges, no circuit riding, and fine courthouses in Covington, Ashland, and London. The book has been produced with, and will be marketed by, the Jesse Stuart Foundation at Ashland, Kentucky.

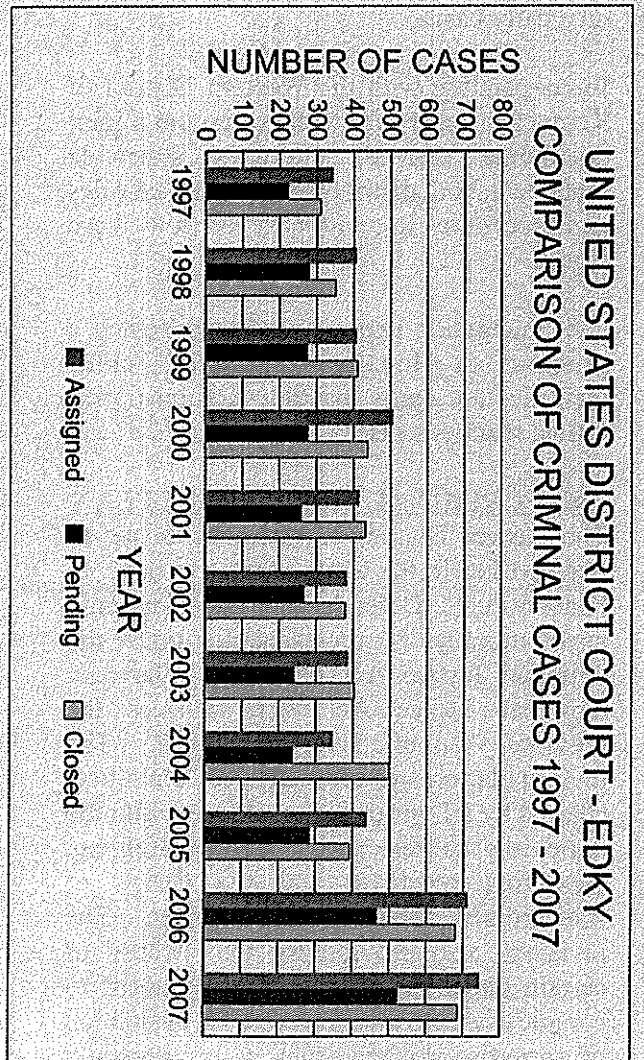
Respectfully submitted,  
Jennifer B. Coffman, Chief Judge

UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY  
 SCHEDULE OF CRIMINAL AND CIVIL CASES 1997 - 2007

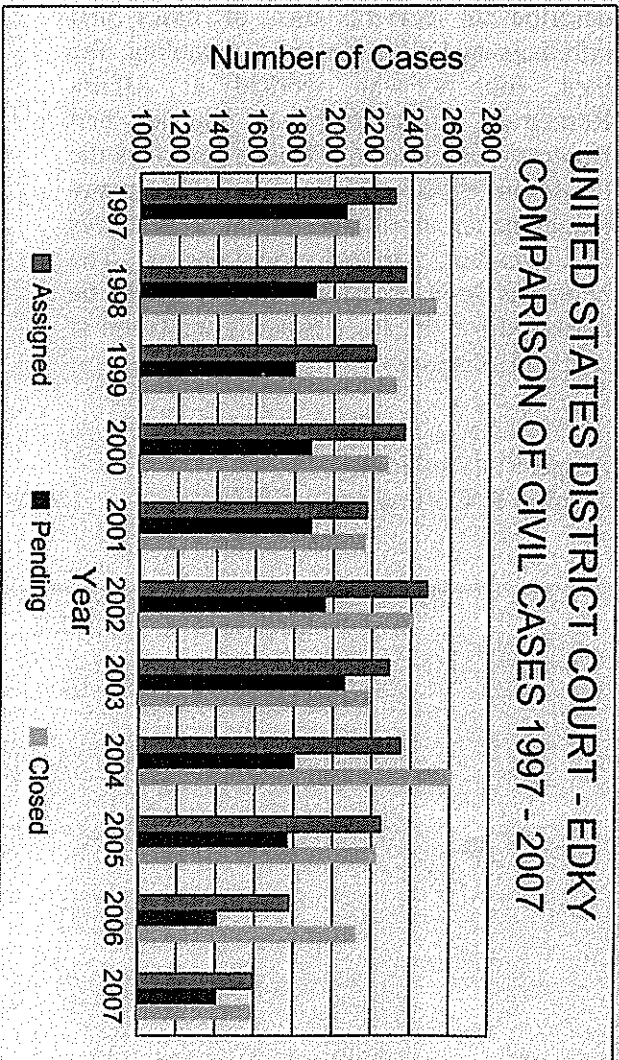
Criminal Cases			
Year	Assigned	Pending	Closed
1997	344	223	310
1998	407	281	351
1999	408	276	411
2000	507	278	438
2001	416	260	432
2002	383	268	378
2003	387	242	403
2004	347	239	497
2005	439	285	392
2006	712	467	678
2007	745	524	685

Civil Cases			
Year	Assigned	Pending	Closed
1997	2313	2063	2125
1998	2367	1907	2521
1999	2215	1801	2318
2000	2365	1886	2276
2001	2172	1889	2162
2002	2482	1959	2408
2003	2290	2063	2187
2004	2348	1807	2606
2005	2249	1771	2224
2006	1778	1407	2121
2007	1591	1409	1587

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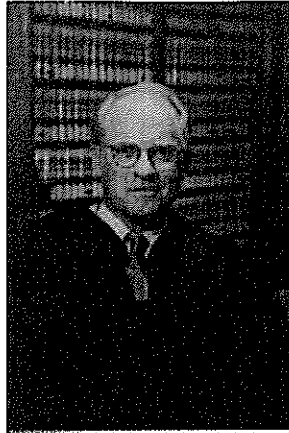


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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY**



*Honorable John G. Heyburn II  
Chief Judge*

**OVERVIEW**

As I enter the last year of my chief judgeship, I am delighted to report that peace and prosperity appear to reign throughout our district.

With little change in the judicial staffing, the Court is enjoying one of the most tranquil periods in several years. The Western District of Kentucky continues to make progress in several important areas, thanks to the dedication of the judges and all the Court staff, ensuring that it continues to serve as a leader in several vital administrative areas nationally.

At the time of this report, Chief Judge John G. Heyburn II is serving as Chair of the Judicial Panel for Multi-District Litigation. Judge Charles R. Simpson III has just received appointment as Chair of the International Judicial Relations Committee of the Judicial Conference.

Judge Thomas B. Russell has recently completed his second term on the Civil Rules Committee and will become Chief Judge of the Western District of Kentucky on December 1, 2008. Judge Joseph H. McKinley continues to serve on the Financial

Disclosure Committee and Judge Jennifer B. Coffman, our swing judge, has recently become the Chief Judge of the Eastern District of Kentucky. Senior Judge Edward H. Johnstone continues to assist the Court with great dedication by accepting for assignment all social security cases. And Judge Johnstone's secretary, Barbara DeAngelo, is retiring this year after over 30 years of service.

**CASELOAD TRENDS**

In the last five years, the total caseload for the Western District of Kentucky has declined over 15%, primarily in civil filings. Specifically, total filings for the year ending September 30, 2003 were 1,896 while total filings for the year ending September 30, 2007 were 1,608. An important performance indicator, however, is that the Court continues to have below pending to filing ratios.

Some believe that the decline in civil filings is a result of higher filing fees or the fact that the Courts now require attorneys to file pleadings electronically. This decline will most likely be temporary allowing for an adjustment to these factors. Increases in case filings should occur again in the near future.



### **SPACE AND FACILITIES**

In accordance with the cost containment policies of the Judicial Conference, the Court has elected to defer new courthouse construction in Bowling Green, choosing instead to renovate the existing courthouse. Both the first and second floors in the courthouse have been completely renovated. The Court is also renovating attorney conference rooms and jury rooms in Paducah as well as the library and attorney conference rooms in Louisville. Overall, in the last several years, all four courthouses in the district have been renovated and are in the best condition since their initial construction.

### **AUTOMATION PROJECTS**

The Western District of Kentucky now requires attorneys to file all pleadings electronically. This policy change, made in conjunction with the Eastern District of Kentucky, has facilitated efficiencies in service, storage of case files, staffing utilization, etc. In addition, the judges sign orders electronically, signing paper orders only when necessary.

The Western District of Kentucky also facilitates for judges and staff remote access to all systems. While teleworking is used in very limited circumstances, it is helpful when in a travel status or in support of continued operations policies. Were the Louisville courthouse to lose electricity, a power generator keeps all systems operating, which allows remote access in an emergency.

### **CLERK'S OFFICE AND U. S. PROBATION OFFICE**

The Clerk's Office and Probation Office provide dedicated and efficient service to the Court. Kathryn Jarvis, Chief Deputy Probation Officer, has developed model leadership projects with the Federal Judicial Center. Brenda Steutermann, after having received the Director's Award for Administrative Service to the Federal Judiciary, continues to assist in the implementation of the Federal Judiciary

Financial Automation System. Sharon Palmer, the Court's Jury Administrator, serves on the Jury Management Work Group at the Administrative Office of the U. S. Courts. Ross Anderson, our IT Director, assists in mentoring courts that implement the new financial management system. In addition, thanks to the efforts of Vanessa Armstrong, Chief Deputy Clerk, and the whole Clerk's Office staff, there were no findings in the recent audit of the Court—a result we will strive to continue. Our Clerk, Jeffrey A. Apperson, continues to display admirable energy, serving our district, the Administrative Office and foreign courts in a variety of endeavors. We are fortunate to have Jeff as our Clerk of Court.

### **LOCAL RULES INITIATIVES**

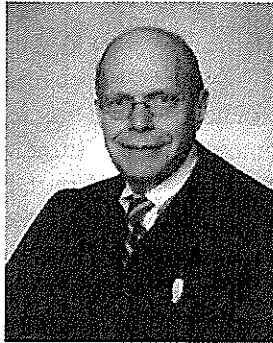
It has long been the intent of Kentucky's federal judges to make the practice of law in the federal courts as simple and understandable for the federal practitioner. To this end, the U. S. District Courts for the Eastern District and Western District of Kentucky promulgated Joint Local Rules in 1986. We are proud of the Joint Local Rules Committee process, chaired by Doug McSwain, and policy making efforts with the Eastern District of Kentucky.

### **CONCLUSION**

The Western District of Kentucky is proud of its achievements as a Court and the service it provides to our constituents. Indeed, as host court for the national convention of the Federal Court Clerks Association in June of 2008, we look forward to sharing our achievements with others in the court community.

Respectfully submitted,  
John G. Heyburn II  
Chief Judge  
United States District Court  
Western District of Kentucky

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



*Honorable Bernard A. Friedman  
Chief Judge*

**COURT CEREMONIES**

Within the past two years, the Court has met several times in extraordinary sessions:

- ◆ On August 10, 2006, a special session of court was held to mark the formal investiture of Judge Sean F. Cox. Chief Judge Friedman officially swore in Judge Cox on June 12, 2006.
- ◆ On September 12, 2006, a special session of Court was held to present the portrait of Judge John Feikens to the District Court. Judge Feikens was appointed a District Judge on December 1, 1970, became Chief Judge on October 4, 1979, and took senior status on March 1, 1986.
- ◆ On October 1, 2006, a special session of court was held to mark the formal investiture of Judge Thomas L. Ludington. As with Judge Cox, Chief Judge Friedman officially swore in Judge Ludington on June 12, 2006.
- ◆ On October 15, 2007, a special session of court was held to present the portrait of Judge Anna Diggs Taylor to the District Court. Judge Taylor was appointed a District Judge on November 2, 1979, became Chief

Judge on December 31, 1996, and took senior status on December 31, 1998.

**JUDICIAL OFFICERS**

In April 2006, Bankruptcy Judge Steven W. Rhodes was reappointed Chief Judge of the Bankruptcy Court for a one-year period beginning April 25, 2006, and ending April 24, 2007. In February 2007, he was again reappointed for an additional one-year term through April 24, 2008.

On August 21, 2006, Judge David M. Lawson's official duty station moved from Bay City to Detroit, and Judge Ludington's official duty station became Bay City.

Judge John Corbett O'Meara took senior status effective January 1, 2007. Judge O'Meara continues to be the district judge assigned to Ann Arbor.

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

On December 24, 2007, Michael Hluchaniuk was appointed United States Magistrate Judge for the Eastern District of Michigan in Flint. His eight-year term will expire on December 23, 2013. Magistrate Judge Hluchaniuk filled

the vacancy created when Magistrate Judge Wallace Capel transferred to the United States District Court for the Middle District of Alabama.

The Eastern District of Michigan bench currently has two district judge vacancies. The vacancies were created in September 2000 and January 2007, when Judges Patrick J. Duggan and John Corbett O'Meara took senior status. There are no pending nominations for these vacancies at this time.

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

#### **SIGNIFICANT CHANGES IN COURT PERSONNEL**

On January 3, 2006, Chief Pretrial Services Officer James O. McHenry retired after 22 years with the Pretrial Services Agency. Charles Shepherd served as Chief Pretrial Services Officer until December 31, 2007 upon his own retirement. Alan H. Murray was appointed as Chief Pretrial Services Officer effective January 1, 2008.

On April 17, 2006, Libby Smith became the Court's Deputy Court Administrator. Ms. Smith succeeded Mary Miers who retired after 16 years with the Court. Ms. Smith came to the Eastern District of Michigan with extensive experience in the state court system in positions such as Civil/Criminal Division Administrator, Program Evaluation Analyst, Jury Supervisor and Administrative Assistant to a state court judge. She has served on a number of technology committees including the State Bar of Michigan's E-Filing Task Force and has been involved in electronic

filing and other state and federal court-related technology initiatives.

On September 18, 2006, Evelyn Knabusch became the Court's Information Technology Director. Ms. Knabusch succeeded Stan Bittner who retired after 5 years with the Court. Ms. Knabusch previously worked in the Automotive and Health industries in the Detroit area for such companies as Ford Motor Company, General Motors, Michigan Heart Institute and Parke Davis as an IT Consultant, and Comau Pico as IT Business Manager.

#### **RALPH M. FREEMAN FOUNDATION**

As a result of the generous bequest of our late Judge Ralph M. Freeman, the Court continued his legacy of justice, advocacy and civility by presenting scholarships in 2006 and 2007 to students at six Michigan law schools and also to student children of full-time permanent court employees.

#### **SPACE AND FACILITIES PROJECTS**

On July 15, 2006, construction was completed on renovations in the former Dow Litigation Area on the first floor of the Theodore Levin U.S. Courthouse. The renovated space consists of the consolidated Information Technology Department, as well as a much needed large assembly room to be used for naturalization ceremonies, tenant meetings, Bench and Bar training and meetings, blood drives, and large gatherings.

The Jury Department is currently undergoing a major renovation which began in November 2007. The project includes a new counter which will allow for a more efficient check-in process, as well as a new joined seating area, computer lab, and a new office for the Jury Administrator.

#### **CASE MANAGEMENT/ELECTRONIC CASE FILES (CM/ECF)**

The Eastern District of Michigan implemented electronic filing on June 1, 2004. As of March

1, 2008, there were 7,987 attorneys registered for e-filing, 79% of which have actually e-filed a document. Since it's implementation, attorneys have filed 195,947 documents with an average of 265 e-filings per day. Mandatory e-filing in the Eastern District of Michigan began on December 1, 2005.

Mandatory e-filing training was approved by the bench and was also implemented in September 2005. ECF training is being conducted regularly by trained court personnel in the Detroit and Bay City locations, and off-site whenever appropriate. Attorneys and their support staff can register for training on-line through the Court's website, [www.mied.uscourts.gov](http://www.mied.uscourts.gov).

#### **CIVILITY**

In 2007 Chief Judge Friedman formed the Joint Standing Committee on Civility which is made up of judicial officers, court personnel, and members of the Bar, and is Chaired by Judge John Corbett O'Meara. The Committee's initial objective was to review the Civility Plan and make any modifications necessary. The Committee created a "Lawyer's Commitment to Civility" which has been incorporated into the Plan. Committee members also attended the New Lawyer's Seminar where they distributed copies of the "Lawyer's Commitment" where it was recited during the ceremony. Since the review of the Plan was completed, the Committee has broadened its scope to encourage further promulgation of civility among the Bench and Bar.

#### **NATURALIZATION CEREMONIES**

In calendar years 2006 and 2007 our district naturalized approximately 13,000 new citizens each year. Although most ceremonies take place at the Theodore Levin U.S. Courthouse in Detroit, a small number of off-site ceremonies are held throughout the year as well at locations such as the Charles H. Wright Museum of African American History,

the Polish National Cultural Center, and Cobo Hall.

#### **LAW DAY**

Beginning in 2006 and continuing in 2007, the Eastern District of Michigan in conjunction with the local Chapter of the Federal Bar Association hosted a Law Day event at the Theodore Levin U.S. Courthouse. Several federal agencies and Court departments set up booths to inform attendees of their purpose and provided various demonstrations. Some of the agencies included Bureau of Alcohol, Tobacco, Firearms and Explosives; Customs and Border Protection; U.S. Coast Guard; U.S. Drug Enforcement Agency; Federal Bureau of Investigations; Internal Revenue Service; U.S. Postal Inspection Service, and many others. Also included in the Law Day festivities was an "Ask the Lawyer" program where attorney volunteers provided free legal advice to people who have cases pending in our Court and do not have lawyers representing them, as well as other persons with legal questions.

#### **ORAL HISTORY PROGRAM**

The Oral History Program that was implemented in conjunction with the Court Historical Society continues to move forward with great success. The oral history of Judges Julian Abele Cook, Jr., Avern Cohn and Anna Diggs Taylor have been completed. The program is being managed by Judy Christie, former Administrative Manager from our Clerk's Office.

#### **COURT OMBUDSMAN**

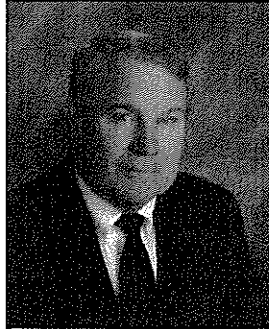
In 2005, Chief Judge Friedman, with the unanimous backing of our Bench initiated an ombudsman program. Attorney George J. Bedrosian continues to serve as the Court's first Ombudsman. Mr. Bedrosian's role is to act as an intermediary between judicial officers of the Eastern District and the Bar. He operates on an informal, confidential basis to interface and address those matters lacking an institutional mechanism or forum for redress.

He will be serving in the role of ombudsman until further order of the Court.

**EMPLOYEE APPRECIATION DAY**

Continuing the tradition established in 2001, the Court once again held Employee Appreciation Day in 2006 and 2007. Employee Appreciation Day recognizes the achievements and services of the employees. Length of Service awards and gifts are presented to eligible court staff to reach milestones in their careers. Additionally, the Chief's Award is presented by the Chief Judge in recognition of a court employee who has demonstrated extraordinary effort and performance, and exceptional commitment to the Court and its mission. In 2006, the recipient of the Chief's Award was Judicial Assistant Karen Hillebrand, and the 2007 recipient was Flint Resident Deputy Shelda Gonser. In 2007, Judicial Assistant Karen Hillebrand was recognized at Employee Appreciation for receiving the national Director's Award for Excellence in Court Operations.

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



*Honorable Robert Holmes Bell  
Chief Judge*

**A MESSAGE FROM THE CHIEF JUDGE**

The Western District of Michigan spans geographically along 49 counties in the Western half of the lower peninsula and the entire upper peninsula. 2007 presented some unique challenges and was an unparalleled year for the Western District of Michigan. In 2005, the Honorable David W. McKeague, one of four district judges assigned to this Court, was elevated to the Sixth Circuit. In 2006, two other district judges, Honorable Richard Alan Enslen and Honorable Gordon J. Quist took senior status, leaving only one active district judge. With the untiring efforts and support from the senior judges, the magistrate judges, along with several visiting judges and the Court staff, the Court's docket was adequately and efficiently handled. After two years of vacancies, three new judgeships were approved in July 2007. With these additions came personnel movement throughout the Court, including retirements, promotions, and many advancements and new hires. The vacancies were filled and we welcome the new additions to our district.

**Judge Paul L. Maloney.** Judge Paul L. Maloney was nominated by President George W. Bush on March 19, 2007, to a seat vacated by Judge Richard Alan Enslen. He was

confirmed by the Senate on July 9, 2007, and received his commission on July 13, 2007. He was sworn in and his appointment was final on July 30, 2007.

Judge Maloney earned his B.A. degree from Lehigh University and his J.D. degree from the University of Detroit School of Law. He was an Assistant Prosecutor from 1975-1981 and the Prosecuting Attorney from 1981-1989, in Berrien County, Michigan. From 1989-1993 he was the Deputy Assistant Attorney General, Criminal Division for the US Department of Justice. He then went on to become the Special Assistant to the Director for the State of Michigan Department of Corrections from 1993-1995. He became a District Judge for the Berrien County, Michigan trial court in 1995, where he served until 1996 at which time he became a Circuit Judge in the same county. He served in that capacity until his appointment to the US District Court in 2007.

**Judge Robert J. Jonker.** Judge Robert J. Jonker was nominated by President George W. Bush on March 19, 2007, to a seat vacated by Judge Gordon J. Quist. He was confirmed by the Senate on July 9, 2007, and received his commission on July 16, 2007. He was

sworn in and his appointment was final on July 18, 2007.

Judge Jonker earned his B.A. degree from Calvin College and his J.D. degree from the University of Michigan Law School. He served as a law clerk to the Honorable John F. Feikens, US District Judge for the Eastern District of Michigan from 1985-1987. From 1987-2007 he was in private practice in Grand Rapids, Michigan.

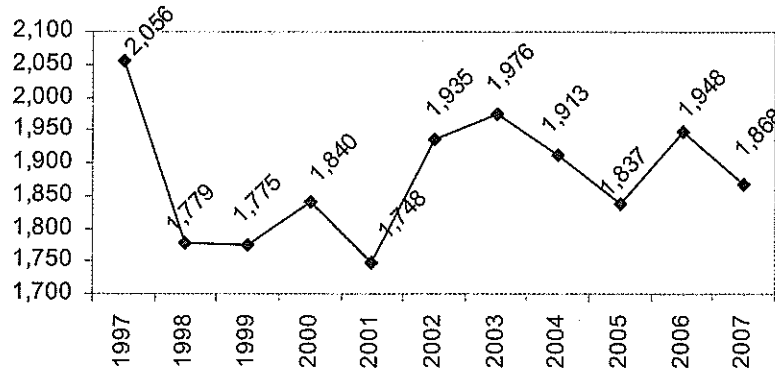
**Judge Janet T. Neff.** Judge Janet T. Neff was nominated by President George W. Bush on March 19, 2007, to a seat vacated by Judge David W. McKeague. She was confirmed by the Senate on July 9, 2007, and received her commission on August 6, 2007. She was sworn in and her appointment was final, also on August 6, 2007.

Judge Neff earned her B.A. degree from the University of Pittsburgh and her J.D. degree from Wayne State University Law School. She was an Assistant City Attorney for the city of Grand Rapids, Michigan, from 1971-1973. From 1973-1988 she was in private practice in Grand Rapids, Michigan, with the exception of 1978-1980, when she was a Commissioner of the Michigan Supreme Court and in 1980 when she served as an Assistant US Attorney for the Western District of Michigan. In 1989 she became a Judge for the Michigan Court of Appeals, where she served until her appointment to the US District Court in 2007.

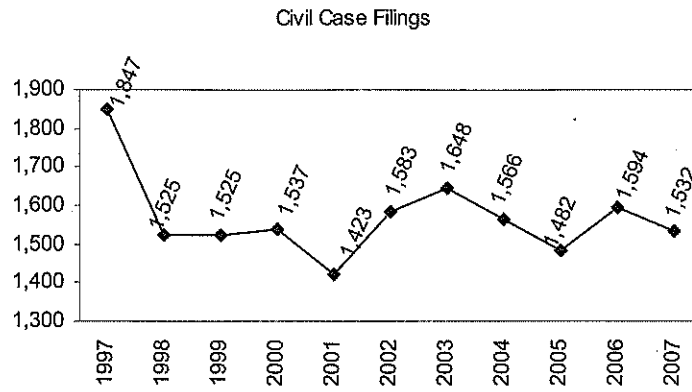
### **WORKLOAD**

In 2007, there were 1,868 civil and criminal cases filed in the Western District of Michigan, a decrease of 80 cases from the year prior. Over the past ten years, civil and criminal filings have fluctuated from as low as 1,748 in 2001 to as high as 2,056 in 1997.

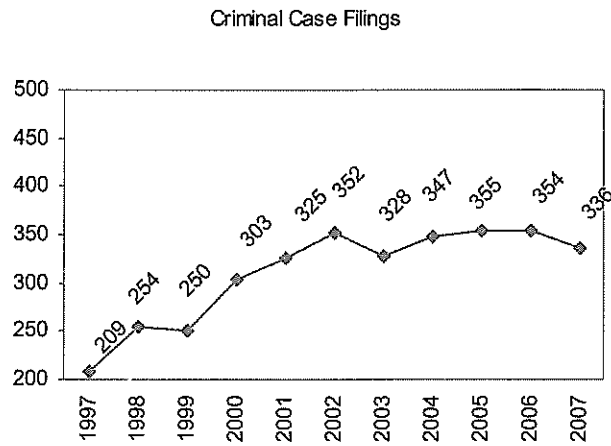
Civil and Criminal Case Filings



Civil case filings remained steady, with only a slight decrease from 1,594 in 2006 to 1,532 in 2007.



Criminal filings have remained steady over the last several years, whereas the number of criminal defendants was on the rise the last few years. In 2007, the number of criminal defendants decreased from 513 to 471.





**CASE MANAGEMENT/ELECTRONIC  
CASE FILING (CM/ECF)**

With the continuing upgrade enhancements to CM/ECF has come widespread use and approval from the practicing bar. While the clerk's office is not now tasked with docketing attorney filings, the Judges' chambers have undertaken considerable responsibility in docketing and printing on paper those dockets required by chambers, judges, and law clerks. The ability to access files from remote locations, including the Northern Division in Marquette, is a major court improvement.

**INFORMATION TECHNOLOGY**

The United States District Court & Probation/Pretrial Services Office for the Western District of Michigan currently utilize personal computer systems in the form of desktop or notebook computers. These computers provide necessary applications for all Judicial officers and staff, the Clerk of Court and staff, and the Chief Probation/Pretrial Officer and staff to use in fulfilling their respective missions. Individual users are equipped with personal computers and either personal printers or access to network printers. As job responsibilities determine, individual users may also have equipment and devices such as cellular phones, personal digital assistants, document scanners, label printers, digital cameras, etc. An infrastructure is in place to support the applications and services required by all court staff.

The data and telecommunication services include network connectivity inside court facilities, between court facilities, and between the Court and the rest of the Judiciary and the Internet. Courtroom technologies are made up of different designs and implementations of audio/visual systems to provide support for all courtroom activities including evidence presentation, audio reinforcement, digital court recording, electronic signatures and electronic filing.

**SPACE AND FACILITIES**

The Court had two Facility Studies conducted from the Administrative Office of the U.S. Courts. One was for a Facility Master Plan for future Magistrate Judge Chambers and Courtrooms in the Gerald R. Ford Federal Building and Courthouse in Grand Rapids. The second was a Feasibility Study of an Under Prospectus Lease Construct Option for a new U.S. Courthouse in Marquette. These studies are a starting point for needed space adjustments within the District.

In preparation for two new Article III Judges at the Grand Rapids location, Magistrate Judges Scoville and Carmody were relocated from Article III courtroom and chambers area to new space. The Court received approval for one new magistrate judge's chambers and courtroom in the Grand Rapids facility, therefore, renovations were made to vacant Bankruptcy Court space for Judge Scoville. The project included new carpet, paint and some new shelving. Judge Carmody moved back to 6th Floor space she previously occupied prior to her move to the 4th Floor. Her chambers also received new paint.

The Court funded Courtroom and Chambers renovations for 4th and 6th Floor space in Grand Rapids, anticipating the confirmation of two new Article III Judges. Judge Robert Jonker and Judge Janet Neff have been designing and planning their new offices. Work in Judge Neff's 4th Floor Courtroom and Chambers included upgraded electrical work, new carpet and wall covering. Judge Jonker's 6th Floor space will begin in early 2008 following completion of the 4th Floor.

In 2007, we were also able to expand/standardize the courtroom judges benches in three Article III Courtrooms in Grand Rapids. The project included expansion of the work surface and added an ergonomic tilt. The two remaining Courtroom Ceiling and Lighting Renovation projects

began for Grand Rapids in 2007. Courtrooms 401 and 699 began the design process for a standardized ceiling renovation and lighting upgrade similar to the other Grand Rapids Courtrooms. Judge Brenneman's Chambers also received a much needed upgrade in 2007. The carpeting and wall covering were replaced throughout his offices, jury deliberation room and library.

The design process for adding similar pendant lighting fixtures to the existing ceiling in the Kalamazoo Courtroom also started in 2007. This project will add pendant light fixtures similar to those in Grand Rapids, without the ceiling renovation. This project has been funded and will begin following the completion of the design process in early 2008.

The Visiting Judge's Chambers renovation in Marquette was completed in 2007. The project included removal of a wall to enlarge a reception area, ceiling repair and new carpeting.

#### **ALTERNATIVE DISPUTE RESOLUTION**

The Western District of Michigan offers alternative dispute resolution (ADR) methods in those cases where the parties and the Court agree that ADR may help resolve the case. The Court offers a broad selection of programs, including voluntary facilitative mediation (VFM), early neutral evaluation (ENE), case evaluation, court-annexed arbitration, summary jury trials, summary bench trials, and magistrate judge settlement conferences.

During calendar year 2007, there were 1,532 civil case filings in the district. Of these, 897 cases were eligible for referral to ADR. Of the eligible cases, 412 (46%) were referred to ADR.

#### **JUDICIAL PARTICIPATION IN CONFERENCE COMMITTEES**

Chief Judge Bell sat by designation as a visiting judge at the Sixth Circuit Court of Appeals. He became a member of the Criminal Law Committee of the Judicial Conference in December 2007. He is also a member of the Sixth Circuit Judicial Council.

Judge Enslen continued to serve as a member of the Judicial Conference Criminal Law Committee until October 2007.

Judge Quist continues to serve as Chair of the Judicial Conference Committee on Codes of Conduct.

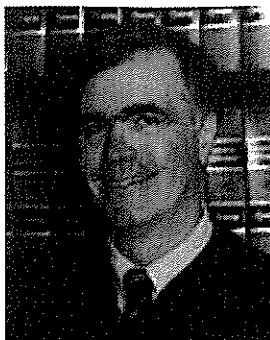
Several Judges continued to provide assistance to our District during our judicial vacancies. We appreciate the support that was given to our district and wish to extend our thanks to Judge R. Allan Edgar (EDTN), Judge Avern Cohn (EDMI), Judge Bernard A. Friedman (EDMI), Judge David M. Lawson (EDMI), Judge George Steeh (EDMI), Judge Arthur J. Tarnow (EDMI), Judge Marianne Battani, (EDMI), Judge Paul Borman (EDMI), Judge Robert Cleland, (EDMI), Judge Nancy Edmunds (EDMI), Judge John Corbett O'Meara (EDMI), Judge Lesley Wells (NDOH), and Judge Jack Zouhary (NDOH).

#### **IN APPRECIATION**

As I prepare to hand over my chief judge responsibilities to Judge Paul Maloney, I reflect on many accomplishments and changes over the past seven years. The inception of CM/ECF, the elevation of District Judge David McKeague to the Sixth Circuit Court of Appeals, the appointment and reappointment of several magistrate judges, bankruptcy judges, and district judges, the death of Senior District Judge Douglas W. Hillman and Magistrate Judge Stephen W. Karr, the appointment of Ray Kent as Federal Public Defender, the appointment of Valerie Martin,

Chief Probation Officer, Margaret Chiara, United States Attorney, and Chuck Gross, United States Attorney, the consolidation of Automation, Procurement, and Financial Administrative Services within the District Court and Probation Departments, and the relocation of bankruptcy court in Grand Rapids, to name a few. With this comes pride and appreciation. With the tremendous efforts of the clerk's offices and probation department personnel, chambers staff, and judicial officers, this Court is recognized as one of the leading innovative courts in the country. I would like to thank each court family member individually for the friendships created, positive attitudes and strong sense of pride, and working together to fulfil this Court's mission of serving the public.

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO



*Honorable James G. Carr  
Chief Judge*

### **INTRODUCTION**

The U.S. District Court for the Northern District of Ohio serves the 5.9 million citizens of the forty 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 twelve authorized district judgeships, it is the nineteenth largest district court. The Eastern Division has courthouses in Cleveland, Akron, and Youngstown. The Western Division courthouse is in Toledo.

During the past year, the Court has experienced a dramatic rise in foreclosure case filings. Most recently, we have been among those districts most substantially impacted by the retroactive application of the crack cocaine sentencing guidelines. Many of the District Judges also have MDL cases. Case filings in many other areas have, however, declined.

The Court has continued its efforts to reach out to Congress, the media, the bar and the community to help them better understand how the courts operate, the services courts provide, and the importance of sufficiently funding the Judiciary. Internally, the Court has improved its technology infrastructure and our emergency preparedness substantially and

provided significant training to employees at all levels.

Longer-term projects include designing and obtaining construction funding for the new Toledo courthouse, implementation of a court-initiated proposal to install video-conferencing between the Eastern Division courthouses and a private detention facility near Youngstown, and moving forward with plans for a privately-funded and operated detention facility adjacent to the Cleveland courthouse.

### **NOTABLE CHANGES**

The Court appointed new Magistrate Judge Greg A. White in March, 2008, to fill a vacancy in Cleveland created when Magistrate Judge Patricia A. Hemann retired after serving the Court since 1993. Magistrate Judge White previously served as the Northern Ohio United States Attorney. William Edwards was appointed Acting United States Attorney in March, 2008, following Magistrate Judge White's entry on duty. Akron Magistrate Judge James S. Gallas has announced that he will retire at the end of June, 2008. Magistrate Judge Gallas will serve in retired-recalled status in Cleveland. The process to fill the resulting Akron Magistrate Judge vacancy is underway.

### **DISTRICT JUDGES**

The Northern District of Ohio is authorized eleven permanent and one temporary judgeship (extended for a year by Congress in December, 2007) and currently operates at full judicial strength. The Court has requested that the temporary judgeship be converted to permanent status, or in the alternative be extended for five years, through the current Biennial Survey of Judgeship Needs.

The active District Judges are: Chief Judge James G. Carr and Judge Jack Zouhary in Toledo; Judges John R. Adams and Sara Lioi in Akron, Judge Peter C. Economus in Youngstown; and Judges Solomon Oliver, Jr., Kathleen M. O'Malley, Donald C. Nugent, Patricia A. Gaughan, James S. Gwin, Dan Aaron Polster, and Christopher A. Boyko in Cleveland. Four Senior Judges handle a portion of the Court's workload considerably beyond minimum requirements. The Senior Judges are: Ann Aldrich and Lesley Wells in Cleveland, David D. Dowd, Jr., in Akron, and David A. Katz in Toledo. As in many other Districts in our Circuit and elsewhere, the work of Senior Judges and the contribution they make, though often overlooked by the public, is of invaluable assistance.

In addition to their work for this Court, several Judges have served on national Judicial Conference committees. Chief Judge Carr completes a term as a member of the Foreign Intelligence Surveillance Court in May, 2008. Northern District members of Judicial Conference Committees include Judge Polster, Committee on the Administration of the Magistrate Judge System (appointed 2002); Judge Gwin, Committee on Information Technology (appointed 2003); Judge O'Malley, Committee on Space and Facilities (appointed 2005); Judge Katz, Committee on the Administrative Office (appointed 2006); and Judge Gaughan, Committee on Federal-State Jurisdiction (appointed 2007).

### **MAGISTRATE JUDGES**

The Northern District of Ohio has eight Magistrate Judges, including one on retired-recalled status, with five assigned to Cleveland and one each to Akron, Toledo and Youngstown. The role of the Magistrate Judges in the management of civil cases is significant. Magistrate Judges were the presiding Judicial Officers for 298 (8%) of the 3,891 civil cases closed in 2007. Excluding MDL actions, Magistrate Judges presided over nearly 6% (141 of 2,473) of the pending civil docket at the close of 2007. 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. Until the appointment of the Sixth Circuit CJA Case Budgeting Attorney, Magistrate Judges also helped counsel establish budgets for death penalty habeas corpus cases and monitored those budgets on behalf of the Court.

The Magistrate Judges are: David S. Perelman, Nancy A. Vecchiarelli, William H. Baughman, Jr., Kenneth S. McHargh and Greg A. White in Cleveland; Vernelis K. Armstrong in Toledo; James S. Gallas in Akron; and George J. Limbert in Youngstown.

### **CIVIL PRO BONO PROTOCOL**

In February 2007, the Court established a Pro Bono Civil Case Protocol under which counsel may be assigned to represent a pro se litigant in a civil case. Assignment of counsel is not a right of a pro se litigant but may be utilized at the discretion of the Judicial Officer in those limited cases in which the Judicial Officer believes such an assignment is warranted. The Court uses non-appropriated funds to reimburse assigned counsel for actual expenses incurred in providing representation up to \$1,500, with additional expenses being reimbursable at the discretion of the Court. Pro bono counsel have been appointed in twenty cases including: seven prisoner civil

rights cases; ten civil rights cases, two foreclosure actions and one ERISA case.

#### **CONGRESSIONAL OUTREACH**

The Court has actively pursued opportunities to meet with our Congressional representatives for the purpose of keeping the Congress better informed on issues related to the Judiciary. Chief Judge Carr regularly visits with our Congressional representatives while conducting judicial business in Washington, D.C. and the other Judges maintain regular contact with those whom they know. In May, 2007, the U.S. House of Representative's Domestic Policy Committee conducted an open hearing on the Federal Reserve's oversight of the national foreclosure crisis at the Court House in Cleveland, chaired by Congressman Dennis Kucinich (D-OH) and attended by Congressman Darrell Issa (R-CA).

#### **INTERNATIONAL JUDICIAL OUTREACH**

In November, 2007, the Court participated in the Open World Program of the Library of Congress. Judges Boyko and Zouhary hosted five Ukrainian Judges for a week-long visit to Cleveland and Toledo. Sessions were provided on the American Judicial System, Legal Education in America, Defendants' Rights, the Role of Mediation in Civil Cases, and Evidence.

#### **MEDIA OUTREACH**

The Court has also reached out to media representatives to better inform them, and through them the public, of the mission and activities of the Court. Judges have met with media company representatives and have conducted brown-bag lunches with reporters. Chief Judge Carr and Judge Polster met with the new editor of the Plain Dealer. The Clerk's Office established media level read-only access accounts to the Court's electronic filing system to provide reporters with access to a virtual online press box, access to written opinions and the ability to obtain automatic e-

mail notification in cases that they wish to follow. In addition, Court calendars were made available on the Court's web site for the convenience of the media, the bar and the public. The Clerk's Office has also trained media representatives in how to best obtain information from the Court's web site, PACER and the CM/ECF system. Some of the Judges provide copies of all opinions and summaries of all sentences directly to media personnel by e-mail.

#### **BENCH/BAR CONFERENCE**

In October, 2007, our District joined with the Southern District of Ohio to conduct a fourth biennial Ohio Federal Bench Bar Conference in Columbus. The Conference included both plenary and breakout sessions covering a wide variety of topics including: a Supreme Court update, Ethics in Litigation under the New Ohio Rules, Electronic Discovery, Multi District Litigation, Criminal Law, Employment Law and Jurisdictional Issues. More than 200 Ohio attorneys participated in the Conference.

#### **CIVIL DOCKET**

Civil case filings rose 22% from 3,908 in 2006 to 4,764 in 2007. The increase was primarily due to increased MDL filings and a dramatic influx of diversity foreclosure case filings. MDL filings grew 42% from 639 in 2006 to 911 in 2007, with the overwhelming majority being filed in Judge Katz's birth control patch litigation. Foreclosure case filings rose 194% from 374 in 2006 to 1,101 in 2007. Prior to 2004, the Court typically had fewer than a dozen foreclosure cases per year. Contract cases also rose 11% from 338 to 376. Those increases were partially offset, however, by double-digit percentage declines in social security, personal injury, habeas, unfair competition, patent, tax, antitrust and admiralty cases. Traditional (non MDL and asbestos) civil case closings increased 13% from 3,440 in 2006 to 3,891 in 2007. The district also closed 2,061 MDL cases and 12 asbestos cases in 2007.

### **CRIMINAL DOCKET**

Criminal case filings rose 4.6% from 569 in 2006 to 595 in 2007. The number of new criminal defendants decreased 6.9% from 1,002 to 933 during the past year. Reflecting an overall drop in criminal filings the past two years, criminal case closings declined 13% from 633 in 2006 to 552 in 2007 and the number of criminal defendant closings fell 27% from 1,286 to 932.

### **MDL CASES**

The Northern District of Ohio is the transferee court for seven Multi District Litigation matters involving 2,411 pending cases. Judge O'Malley has three MDL matters including the welding fume litigation with more than 1,300 pending cases from over 5,000 filed overall. Judge Katz's birth control patch litigation also has over 1,000 pending cases. Judges Economus, Nugent, and Polster also have pending MDL matters.

### **FORECLOSURE CASES**

To avoid a significant backlog in foreclosure case processing that had developed in state court, plaintiffs began filing diversity foreclosure cases in large numbers in our Court about two years ago. The Court has adopted a foreclosure case processing plan under which it appointed a Panel of Master Commissioners to obtain appraisals and oversee property sales. Master Commissioners have been appointed in over 900 cases and nearly 600 properties have been sold. Foreclosure filings have decreased substantially since November, 2007, when Judges Boyko and O'Malley dismissed several cases in which plaintiffs failed to file adequate assignment documentation.

### **NOTORIETY CASES**

The Court has had several notoriety cases including the *U.S. v. Amawi*, involving allegations of criminal acts in furtherance of terrorism (pending before Chief Judge Carr) and two capital cases, *U.S. v. Galan* (Chief Judge Carr) and *U.S. v. Moonda* (Judge

Dowd). Each of these cases involved extensive pre-screening and other procedures designed to facilitate voir dire.

### **RETROACTIVE APPLICATION OF CRACK COCAINE SENTENCING GUIDELINES**

The District is estimated to have the eleventh highest number of defendants potentially eligible for crack cocaine sentencing reductions. Thanks to the cooperative efforts of the Federal Public Defender (appointed initially to represent all potentially eligible defendants), the U.S. Attorney's Office, and our Pretrial Services/Probation and Clerk's Offices, processing of motions to apply the retroactive guidelines have thus far been handled expeditiously and efficiently, with the Defender's Office and U.S. Attorney's Office making joint recommendations in nearly all cases.

### **SECURITY/EMERGENCY PLANNING**

Security issues remain a high priority for the Court. The Chief Judge, Akron Judges, and Clerk of Court have been working closely with the Administrative Office, GSA, and the City of Akron to develop Security Site Guidelines to be followed by the City of Akron for a proposed parking structure originally designed to be within one foot of the Court House in Akron. The Occupant Emergency Plans, Shelter in Place Plans and Continuity of Operations Plans are regularly updated and drills and training sessions are conducted. Building Security Committees meet regularly in each location to communicate security issues with all tenants and the District Court Security Committee meets quarterly.

### **NEW TOLEDO COURTHOUSE**

The design kickoff for the new Toledo Courthouse was held with all tenants and architect Mehrdad Yazdani of Cannon Design in November, 2007. Design meetings leading to a final concept design will be held throughout 2008. The building will house the

District Court, the U.S. Marshals Service, the U.S. Attorney's Office, the Federal Protective Service, GSA, and a U.S. Representative. Construction funding for the 222,751 square-foot structure is expected in 2011 with the facility to be completed in 2014. The Courthouse will be one of the first in the nation designed following the new 2007 U.S. Courts Design Guide.

#### **ATTORNEY WIRELESS ACCESS**

Wireless internet access has been provided to registered attorneys on all courtroom floors, in lunchrooms and attorney lounges at each of the seven district and bankruptcy courthouses to meet their remote computing needs.

#### **ELECTRONIC COURTROOMS**

Electronic courtrooms were added in Akron and Toledo raising the district-wide total of fully electronic courtrooms to thirteen. All active District Judges now have electronic courtrooms. Plans are underway to upgrade two Senior Judge courtrooms in Cleveland in Fall, 2008.

#### **VIDEO CONFERENCING AND SATELLITE RECEPTION**

The District has had video conferencing and satellite reception equipment at each court location since January, 1999. The equipment has been used for remote witness testimony, prisoner video conferencing, arraignments, Judges' meetings, district-wide meetings with the Federal Public Defender and CJA Panel members, Clerk's Office meetings, and participation in long-distance learning programs offered by the Administrative Office and the Federal Judicial Center. The Court, the Federal Public Defender and the U.S. Marshals Service have urged that the private detention facility near Youngstown obtain video-conference equipment to help reduce the time and cost of transporting detainees for routine hearings and conferences.

#### **NATURALIZATION OF NEW CITIZENS**

The Court administered the oath of allegiance to 4,036 new citizens in 2007. In Cleveland, ceremonies are held twice per month, and in Toledo, naturalization ceremonies were conducted monthly. Ten special ceremonies were also held at public locations throughout the district.

#### **CLERK'S OFFICE**

The Clerk's Office currently supports twenty-four Judicial Officers. The Clerk of Court serves as the Chief Administrative Officer of the Court as well as the Administrative Assistant to the Chief Judge. The Clerk's Office takes a leadership role in emergency planning, administration of the district's consolidated IT department, finance, web site development, space/facilities, procurement, implementation of electronic filing and video conferencing, the installation and support of electronic courtrooms and audio-digital recording equipment, and the renovation of Court facilities. The Clerk's Office is proud of its public Internet and internal Intranet web sites, both of which provide a wealth of information and educational materials regarding Court policies and procedures, local rules, electronic filing and upcoming activities. The office currently has 95 staff on board and is authorized 89.7 work units, a figure which has gyrated widely each year with the sharp rises and declines in case filings, particularly those related to MDL actions.

Electronic Case Filing. Northern Ohio was the first Court to permit attorneys to file documents over the Internet. The Court now has records for 147,000 cases available online. The number of documents filed electronically by attorneys increased 8% from 69,841 in 2006 to 75,322 in 2007. Overall, 8,230 attorneys have electronically filed over 540,000 documents since the system went into operation (maritime asbestos cases, January, 1996; civil cases, October, 1997; and criminal



cases, May, 2005). Since the Court began allowing attorneys to file new civil cases electronically in June, 2006, attorneys have opened nearly 4,000 new cases online. According to the Administrative Office, the district consistently ranks among the top courts in the percentage of documents and new cases filed electronically by attorneys.

### **PRETRIAL SERVICES AND PROBATION OFFICE**

The Pretrial Services Office and the Probation Office were consolidated into a single unit in February, 2006. The combined unit has 108 employees.

**Pretrial Services.** There were 933 cases activated and 860 cases supervised. There were 840 defendants interviewed and 93 defendants were not. There were 386 defendants detained and never released. Pretrial Services received \$58,855 in supplemental funding for treatment alternatives from the Office of The Federal Detention Trustee (OFT) which was spent on alternatives to detention including substance abuse and mental health treatment, electronic monitoring and halfway house placements.

**Aftercare Treatment:** There were 507 cases active with drug aftercare conditions including substance abuse testing and treatment. Of these, 277 were opened during FY07 and 230 were continuing cases. In addition, there were 139 cases with mental health conditions active in FY07 including 82 cases opened in FY07 and 57 that were previously active. The 82 new cases represent a 17% increase over FY06 figures.

**Home Confinement:** There were 65 active home confinement cases at the beginning of FY07, and home confinement was ordered as a condition of release in 126 additional cases during FY07, a 37% increase over FY 06. During FY07, all 126 cases were electronically monitored. Remote alcohol testing technology was used in four cases.

**Conferences:** The Pretrial Services and Probation Office hosted two national conferences. The National Association of Pretrial Services Agencies (NAPA) was held in Cleveland in September 2007. Supervisor Robin Leftward was selected the NAPA Pretrial Officer of the Year. The NAPA conference marked a close collaboration between the U.S. Probation Office, Cuyahoga County Probation Office and OAPSA (Ohio Association of Pretrial Service Agencies) and NAPA. That conference was followed by the U.S. Pretrial Services Conference celebrating the 25th Anniversary of the Pretrial Services Act of 1982. The conference attracted more than 250 participants and was opened by Chief U. S. District Judge James G. Carr. Keynote speaker was James C. Duff, Director of the Administrative Office of the U.S. Courts.

**Community Outreach:** "Project Penalty Awareness" is a multimedia federal drug prevention program designed to educate the public about federal drug trafficking offenses and penalties. The program targets groups that may be predisposed to engage in drug trafficking offenses such as juveniles, gang members, drug users, and individuals with a prior drug conviction. Posters and flyers have been distributed throughout Northern Ohio as well as other districts. Presentations have been made at local schools, life skill and rehabilitation centers, a Black Achievers Leadership Development Camp, a Youth Excellence Performing Arts Workshop, prisons, and juvenile detention facilities as well as at two national training conferences for criminal justice professionals. Presenters include District and Magistrates Judges, Chambers staff, Pretrial and Probation Officers and Probation Clerks.

**Probation.** Presentence Investigations: The Presentence Units completed 922 presentence investigations compared to 1,011 the prior year.

Post Conviction Supervision: At the close of FY 07, the district was supervising 1,811 offenders, a slight decrease from FY06. Adherence to the Revised Monograph 109 has been fully implemented. Following consolidation two supervisors in post conviction units were cross trained in the pretrial services function and are now supervising pretrial units in Akron and Youngstown. Conversely, a pretrial services supervisor was cross trained and is now supervising post conviction officers and specialists.

Aftercare Treatment: The theme of service expansion continued. There were 486 offenders in 34 contract treatment service agencies in FY07. Substance abuse treatment services included outpatient assessment, individual and group counseling, urine collection and testing by Kroll Laboratories, instant drug testing by officers and residential detoxification and short-term placement programming. The \$984,341 spent on drug/alcohol treatment services in FY07 was a 26% increase over FY06. The Aftercare Treatment Team completed a successful solicitation cycle in FY07 for the FY08 service agreements. Services were expanded with the establishment of 44 treatment service agreements, renewable annually over the next three years. Mental health services include psychological and psychiatric evaluation, individual and group psychotherapy, as well as medication monitoring. Additionally, sex offender-specific services are contracted to provide evaluation, therapy and polygraph examinations. While the objective of standard mental health treatment is the management of psychiatric symptoms so that compliance with Court-imposed conditions is enhanced, the objective of sex offender-specific treatment is risk management. The \$260,415 spent on mental health/sex offender treatment services in FY 07 was a 30% increase above FY 06.

Home Confinement: The cost of electronic monitoring services was reduced from \$3.26

to \$3.17 per day. There were 230 electronic monitoring cases during the year with an average daily caseload 60 cases. The average length of time on electronic monitoring was 122 days. Electronic monitoring services cost \$74,454 which was reduced to \$55,222 by collecting a total of \$19,232 on self-pay cases.

The Court is moving forward with a Location Monitoring Program including GPS monitoring of certain offenders and defendants.

### **HERITAGE CELEBRATIONS**

The district participates in the Administrative Office's Heritage Celebration Series by holding an annual African-American Heritage Ceremony each February and an Hispanic Heritage Celebration in the fall. Retired Congressman Louis Stokes served as the keynote speaker of our most recent African-American Heritage Ceremony.

### **ADVISORY GROUP**

Pursuant to the Civil Justice Reform Act of 1990, the Court appointed an Advisory Group of attorneys to provide an avenue for a continuing dialog on all matters of interest to the bench and the bar. Though the Act has now sunset, the group continues to meet with the Judges in May and October and has established three committees that meet independently as needed: Civil Rules, Criminal Rules and Alternative Dispute Resolution. The continued work and support of the Advisory Group has proven invaluable to the Court.

Respectfully Submitted,  
James G. Carr , Chief Judge

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



*Honorable Sandra S. Beckwith  
Chief Judge*

The Southern District of Ohio covers 48 counties. It has courthouses located in Columbus, Dayton and Cincinnati. The Bankruptcy Court has a facility in each city separate from the District and Circuit Courts. Columbus constitutes the Eastern Division seat of court, while Dayton and Cincinnati are the Western Division seats of court. Occasionally court is also held in St. Clairsville.

**LOCAL RULES**

The Southern District of Ohio's website, <http://www.ohsd.uscourts.gov>, has the full text of the Local Civil and Criminal Rules as amended effective September 1, 2007. The amended rules embody the following changes:

1. The Rules have been amended throughout to reflect adoption of the Model Rules of Professional Conduct by the Ohio Supreme Court on February 1, 2007.
2. As permitted by the Fed. R. Civ. P. 5, S. D. Ohio Civ. R. 5.1 has been amended to make electronic filing mandatory.
3. S. D. Ohio Civ. R. 4.3 has been amended to reflect changes in the Federal Rules of Civil Procedure

regarding service by the United States Marshal.

4. S. D. Ohio Civ. R. 83.3 and 83.4 have been amended to:
  - a. Reflect the increased *pro hac vice* fee which was effective January 1, 2007.
  - b. The rule on withdrawal and substitution of counsel has been clarified.
  - c. The authority of attorneys employed by the federal government to practice in this Court without admission *pro hac vice* has been recognized.
5. Ohio Civ. R. 3.1 and S. D. Ohio Crim. R. 12.1 have been amended to require plaintiff's counsel in civil cases and the United States Attorney in criminal cases to designate personally if a new case is "related" to a case already filed.

**WORKLOAD**

From 1993 to 2007, there has been a six percent increase in the total number of cases filed, from 2632 to 2778 respectively. The court also experienced a major increase in real property cases. The change is largely due to

the increase in foreclosure filings. There were 478 foreclosure cases filed in 2007 compared to 9 filed in 2006 or 53 times more for 2007 over 2006.

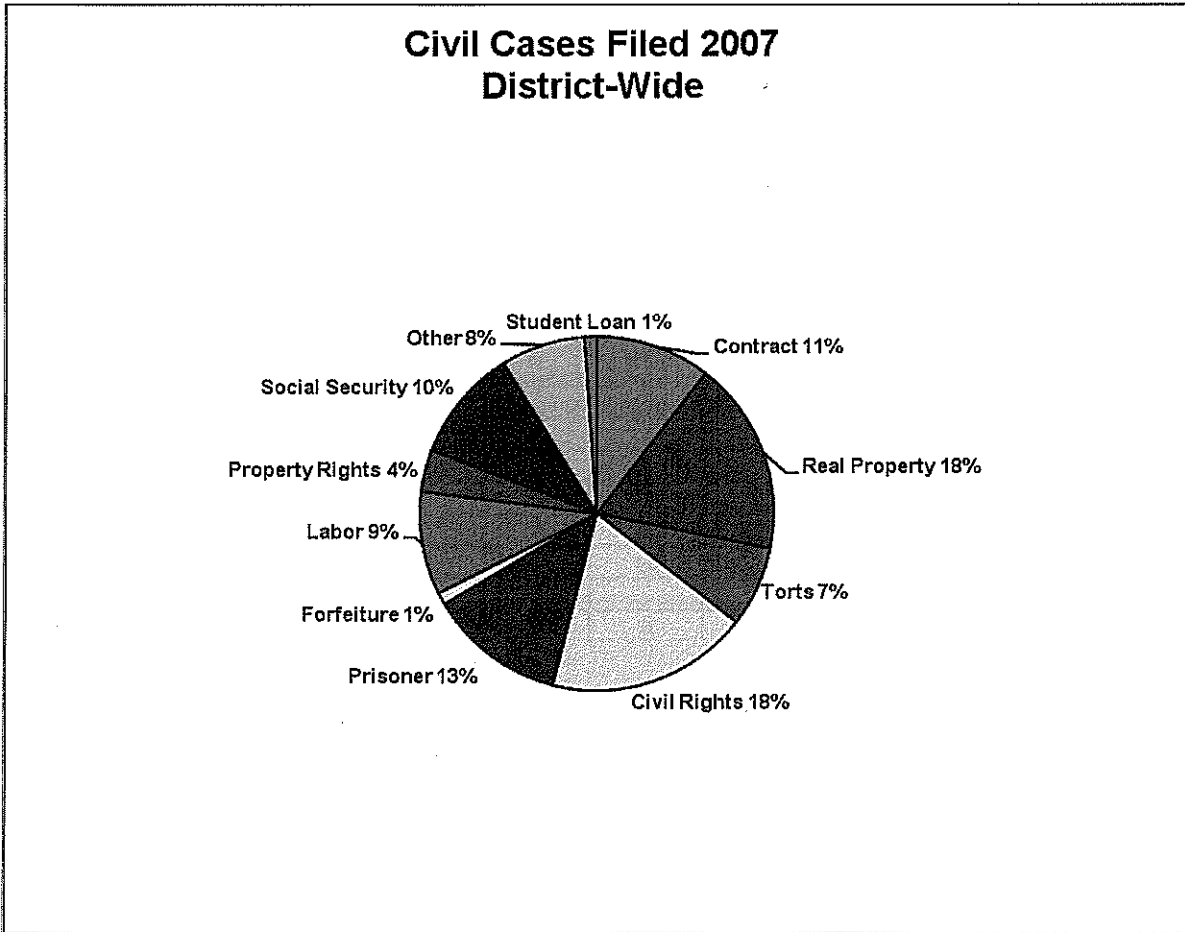
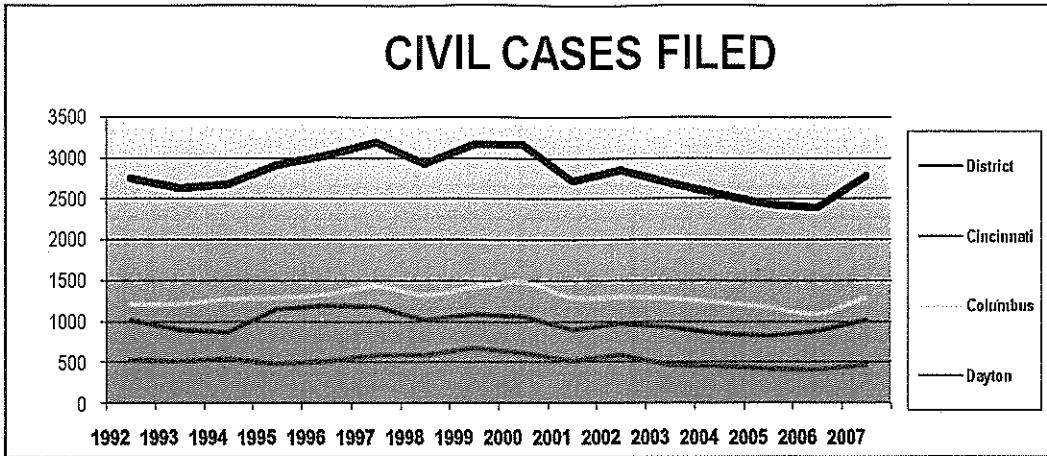
During the same time period, the number of criminal cases filed increased by 51%. There were 408 cases filed in 1993 and 611 in 2007. The number of criminal defendants increased 65%, with 499 in 1993 and 819 in 2007. Forty-Three Percent (43%) of the district's criminal defendants are in drug/substance related cases.

Jury trials in civil cases have declined from 41 in 2005 to 25 in 2007. Criminal jury trials increased from 27 in 2005 to 37 in 2006, but declined to 16 in 2007. Cincinnati jury trials were 64% of the Districts' total in civil and 30% in criminal whereas Columbus was 26% and 40% respectively with Dayton at 10% and 30%.

Finally, in 2007, the Southern District of Ohio naturalized 5395 persons. For a detailed representation of the workload and other aspects of the Southern District of Ohio, please see the statistics that follow this section.

**CIVIL CASES FILED BY NATURE OF SUIT IN 2007**

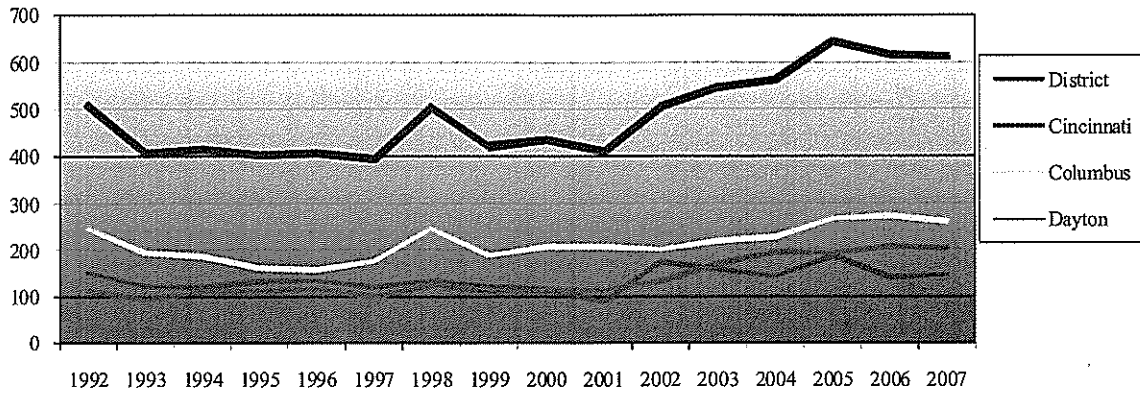
<b>Cincinnati</b>	<b>Contract</b>	<b>Real Property</b>	<b>Torts</b>	<b>Civil Rights</b>	<b>Prisoner</b>	<b>Forfeiture</b>	<b>Labor</b>	<b>Property Rights</b>	<b>Social Security</b>	<b>Student Loans</b>	<b>Other</b>	<b>TOTAL</b>
Beckwith	14	29	10	41	31	1	10	14	11	3	12	176
Dlott	20	37	15	37	40	1	23	13	13	-	22	221
Rose	-	-	-	-	-	-	-	-	-	-	-	0
Watson	-	-	-	1	-	-	-	-	-	-	-	1
Barrett	16	40	20	47	38	-	20	11	20	-	23	235
Spiegel	17	41	18	48	33	1	7	-	11	1	10	187
Holschuh	-	-	-	-	-	-	-	-	-	-	-	0
Weber	21	36	20	46	6	-	9	3	12	1	9	163
Graham	-	-	1	-	-	-	-	-	-	-	-	1
Rice	-	-	-	-	-	-	-	1	-	-	-	1
Hogan	2	-	4	2	-	-	-	1	-	-	2	11
Black	5	-	2	4	-	-	-	2	-	1	1	15
<b>Total</b>	<b>95</b>	<b>183</b>	<b>90</b>	<b>226</b>	<b>148</b>	<b>3</b>	<b>69</b>	<b>45</b>	<b>67</b>	<b>6</b>	<b>79</b>	<b>1011</b>
<b>Columbus</b>	<b>Contract</b>	<b>Real Property</b>	<b>Torts</b>	<b>Civil Rights</b>	<b>Prisoner</b>	<b>Forfeiture</b>	<b>Labor</b>	<b>Property Rights</b>	<b>Social Security</b>	<b>Student Loans</b>	<b>Other</b>	<b>TOTAL</b>
Beckwith	-	-	-	1	1	-	-	-	-	-	-	2
Sargus	29	40	15	26	27	3	24	7	20	2	16	209
Marbley	22	43	19	26	23	-	28	8	18	2	12	201
Frost	18	39	11	37	18	3	28	8	12	4	17	195
Watson	26	41	14	39	18	2	20	9	12	3	19	203
Holschuh	20	22	5	21	23	-	11	5	10	3	20	140
Smith	11	25	7	26	19	1	20	6	20	1	8	144
Graham	16	25	9	27	21	2	19	6	11	2	10	148
Abel	2	4	3	2	-	-	3	-	1	-	1	16
King	3	1	1	6	-	-	3	-	-	-	2	16
Kemp	-	1	1	5	-	-	5	-	1	-	1	14
<b>Total</b>	<b>147</b>	<b>241</b>	<b>85</b>	<b>216</b>	<b>150</b>	<b>11</b>	<b>161</b>	<b>49</b>	<b>105</b>	<b>17</b>	<b>106</b>	<b>1288</b>
<b>Dayton</b>	<b>Contract</b>	<b>Real Property</b>	<b>Torts</b>	<b>Civil Rights</b>	<b>Prisoner</b>	<b>Forfeiture</b>	<b>Labor</b>	<b>Property Rights</b>	<b>Social Security</b>	<b>Student Loans</b>	<b>Other</b>	<b>TOTAL</b>
Rose	26	34	13	26	23	9	14	3	55	4	17	224
Rice	22	33	14	34	19	8	13	10	59	5	11	228
Merz	-	1	2	5	6	-	4	-	-	-	-	18
Ovington	1	-	1	5	-	-	1	-	-	-	1	9
<b>Total</b>	<b>49</b>	<b>68</b>	<b>30</b>	<b>70</b>	<b>48</b>	<b>17</b>	<b>32</b>	<b>13</b>	<b>114</b>	<b>9</b>	<b>29</b>	<b>479</b>
<b>District Total</b>	<b>291</b>	<b>492</b>	<b>205</b>	<b>512</b>	<b>346</b>	<b>31</b>	<b>262</b>	<b>107</b>	<b>286</b>	<b>32</b>	<b>214</b>	<b>2778</b>



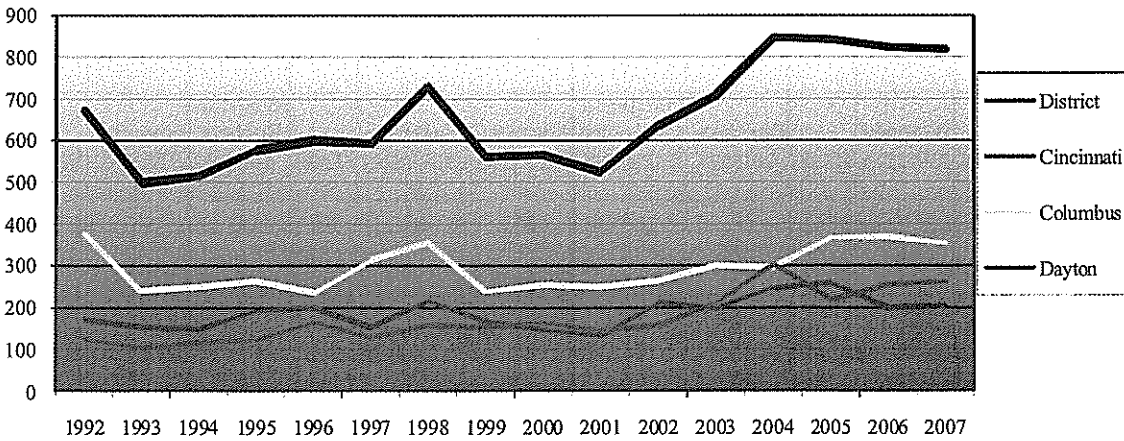
**CRIMINAL CASES FILED BY CATEGORY IN 2007**

Cincinnati	Embezzlement	Weapons/ Firearms	Escape	Burglary/ Larceny	Marijuana /Controlled Substance	Cocaine/ Narcotics	Forgery/ Counterfeit	Fraud	Homicide Robbery Assault	Probation Transfer	Other	Total
Beckwith	-	6	1	-	4	2	-	2	3	6	2	26
Dlott	-	9	1	-	-	5	-	5	4	7	2	33
Watson	-	-	-	-	-	-	-	-	-	-	-	0
Barrett	-	13	1	-	-	3	1	4	3	6	4	35
Spiegel	1	9	-	-	2	4	-	-	-	7	2	25
Weber	2	1	-	-	2	-	-	12	2	-	4	23
Merz	-	-	-	-	-	-	-	-	-	-	-	0
Hogan	-	-	-	-	-	-	1	-	-	-	-	1
Black	-	-	-	1	-	-	-	1	-	-	2	4
<b>Total</b>	<b>3</b>	<b>38</b>	<b>3</b>	<b>1</b>	<b>8</b>	<b>14</b>	<b>2</b>	<b>24</b>	<b>12</b>	<b>26</b>	<b>16</b>	<b>147</b>
Columbus	Embezzlement	Weapons/ Firearms	Escape	Burglary/ Larceny	Marijuana /Controlled Substance	Cocaine/ Narcotics	Forgery/ Counterfeit	Fraud	Homicide Robbery Assault	Probation Transfer	Other	Total
Sargus	1	7	-	-	3	12	3	8	-	4	2	40
Marbley	2	2	-	-	6	10	2	10	-	5	4	41
Frost	1	7	-	-	5	10	2	9	3	6	2	45
Watson	0	4	-	1	3	8	1	18	-	6	5	46
Holschuh	0	3	-	2	2	8	-	3	-	6	1	25
Smith	1	1	-	-	3	6	1	3	1	5	3	24
Graham	1	3	-	1	1	6	1	6	1	4	2	26
Abel	-	-	-	-	-	1	-	-	-	-	1	2
King	1	-	-	-	-	6	-	-	-	1	1	9
Kemp	-	-	-	-	-	2	-	-	-	-	1	3
<b>Total</b>	<b>7</b>	<b>27</b>	<b>0</b>	<b>4</b>	<b>23</b>	<b>69</b>	<b>10</b>	<b>57</b>	<b>5</b>	<b>37</b>	<b>22</b>	<b>261</b>
Dayton	Embezzlement	Weapons/ Firearms	Escape	Burglary/ Larceny	Marijuana /Controlled Substance	Cocaine/ Narcotics	Forgery/ Counterfeit	Fraud	Homicide Robbery Assault	Probation Transfer	Other	Total
Rose	3	5	1	-	2	18	9	12	5	4	6	65
Rice	1	1	-	1	6	9	9	19	5	6	13	70
Merz	8	1	-	2	17	1	-	3	-	-	2	34
Ovington	11	-	-	-	18	1	-	1	1	-	2	34
<b>Total</b>	<b>23</b>	<b>7</b>	<b>1</b>	<b>3</b>	<b>43</b>	<b>29</b>	<b>18</b>	<b>35</b>	<b>11</b>	<b>10</b>	<b>23</b>	<b>203</b>
<b>District</b>	<b>33</b>	<b>72</b>	<b>4</b>	<b>8</b>	<b>74</b>	<b>112</b>	<b>30</b>	<b>116</b>	<b>28</b>	<b>73</b>	<b>61</b>	<b>611</b>

### CRIMINAL CASES FILED



### CRIMINAL DEFENDANTS CHARGED

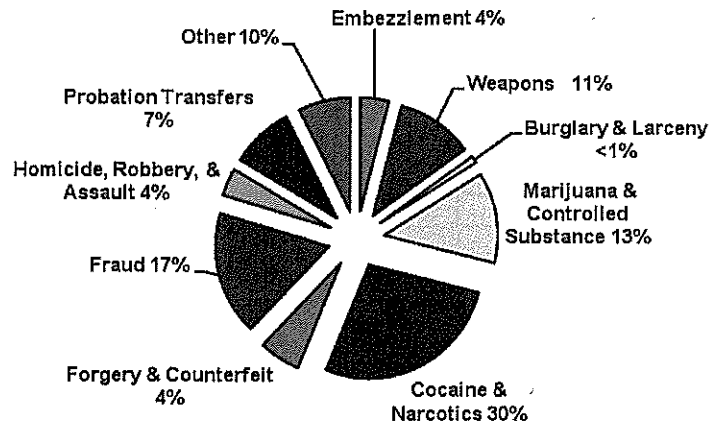




**CRIMINAL DEFENDANTS CHARGED BY CATEGORY IN 2007**

<b>Cincinnati</b>	<b>Embezzlement</b>	<b>Weapons/ Firearms</b>	<b>Escape</b>	<b>Burglary/ Larceny</b>	<b>Marijuana/ Controlled Substance</b>	<b>Cocaine/ Narcotics</b>	<b>Forgery/ Counterfeit</b>	<b>Fraud</b>	<b>Homicide/ Robbery Assault</b>	<b>Probation Transfers</b>	<b>Other</b>	<b>TOTAL</b>
Beckwith	-	17	1	-	8	4	-	2	6	6	2	46
Dlott	-	9	1	-	-	7	-	10	4	7	2	40
Watson	-	-	-	-	-	-	-	-	-	-	-	0
Barrett	-	18	1	-	-	20	1	4	3	6	4	57
Spiegel	1	11	-	-	2	9	-	-	-	8	2	33
Weber	2	1	-	-	2	-	-	12	2	-	4	23
Merz	-	-	-	-	-	-	-	-	-	-	-	0
Hogan	-	-	-	-	-	-	1	-	-	-	-	1
Black	-	-	-	1	-	-	-	1	-	-	2	4
<b>Total</b>	<b>3</b>	<b>56</b>	<b>3</b>	<b>1</b>	<b>12</b>	<b>40</b>	<b>2</b>	<b>29</b>	<b>15</b>	<b>27</b>	<b>16</b>	<b>204</b>
<b>Columbus</b>	<b>Embezzlement</b>	<b>Weapons/ Firearms</b>	<b>Escape</b>	<b>Burglary/ Larceny</b>	<b>Marijuana/ Controlled Substance</b>	<b>Cocaine/ Narcotics</b>	<b>Forgery/ Counterfeit</b>	<b>Fraud</b>	<b>Homicide/ Robbery Assault</b>	<b>Probation Transfers</b>	<b>Other</b>	<b>TOTAL</b>
Sargus	1	7	-	-	7	14	13	10	-	4	2	58
Marblev	2	2	-	-	17	19	3	21	-	5	4	73
Frost	1	7	-	-	13	17	5	13	3	6	2	67
Watson	-	4	-	1	6	13	1	17	-	6	5	53
Holschuh	-	3	-	2	2	12	-	3	-	6	1	29
Smith	1	1	-	-	3	7	1	4	1	5	3	26
Graham	1	3	-	1	1	10	2	7	1	4	2	32
Abel	-	-	-	-	-	1	-	-	-	-	1	2
King	1	-	-	-	-	8	-	-	-	1	1	11
Kemp	-	-	-	-	-	2	-	-	-	-	1	3
<b>Total</b>	<b>7</b>	<b>27</b>	<b>0</b>	<b>4</b>	<b>49</b>	<b>103</b>	<b>25</b>	<b>75</b>	<b>5</b>	<b>37</b>	<b>22</b>	<b>354</b>
<b>Dayton</b>	<b>Embezzlement</b>	<b>Weapons/ Firearms</b>	<b>Escape</b>	<b>Burglary/ Larceny</b>	<b>Marijuana/ Controlled Substance</b>	<b>Cocaine/ Narcotics</b>	<b>Forgery/ Counterfeit</b>	<b>Fraud</b>	<b>Homicide/ Robbery Assault</b>	<b>Probation Transfer</b>	<b>Other</b>	<b>TOTAL</b>
Rose	3	5	1	-	2	26	9	13	5	4	6	74
Rice	1	1	-	1	7	51	12	22	6	5	13	119
Merz	8	1	-	2	17	1	-	3	-	-	2	34
Ovington	11	-	-	-	18	1	-	1	1	-	2	34
<b>Total</b>	<b>23</b>	<b>7</b>	<b>1</b>	<b>3</b>	<b>44</b>	<b>79</b>	<b>21</b>	<b>39</b>	<b>12</b>	<b>9</b>	<b>23</b>	<b>261</b>
<b>District</b>	<b>33</b>	<b>90</b>	<b>4</b>	<b>8</b>	<b>105</b>	<b>222</b>	<b>48</b>	<b>143</b>	<b>32</b>	<b>73</b>	<b>61</b>	<b>819</b>

**CRIMINAL DEFENDANTS CHARGED 2007  
DISTRICT-WIDE**



**CRIMINAL CASES FILED BY CATEGORY BY CALENDAR YEAR – DISTRICT**

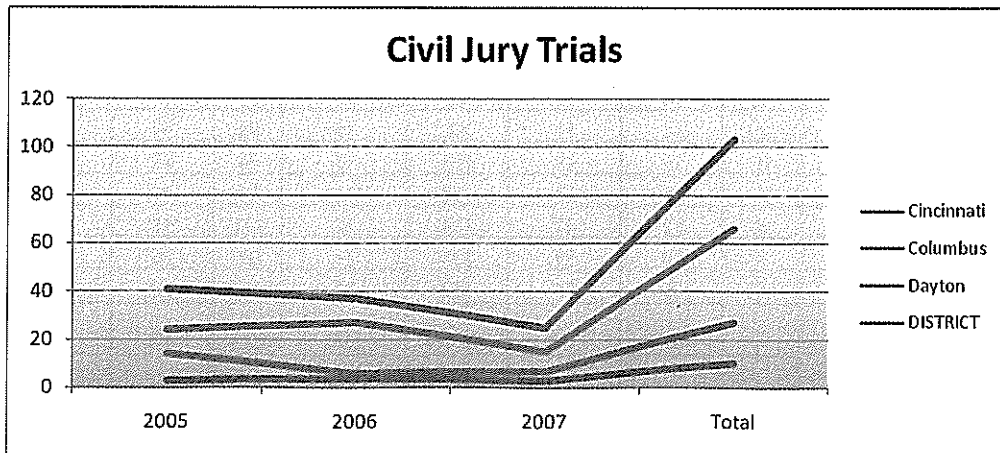
	Embezzlement	Weapons/ Firearms	Escape	Burglary/ Larceny	Marijuana/ Controlled Substance	Cocaine/ Narcotics	Forgery/ Counterfeit	Fraud	Homicide Robbery Assault	Probation Transfers	Other	TOTAL
1993	32	38	0	33	91	4	20	89	27	-	74	408
1994	32	21	8	43	93	10	12	82	21	-	92	414
1995	28	34	2	27	36	47	9	99	21	39	61	403
1996	23	17	3	22	49	55	20	78	19	30	92	408
1997	26	10	0	43	37	58	20	66	4	33	96	393
1998	37	23	5	41	55	66	49	87	21	38	81	503
1999	27	15	3	31	66	51	28	77	32	47	43	420
2000	17	32	6	46	44	48	24	72	36	49	60	434
2001	25	27	1	14	41	49	31	83	44	56	38	409
2002	32	54	2	33	51	88	15	94	30	60	45	504
2003	20	82	0	20	49	113	16	74	43	69	60	546
2004	16	92	2	25	53	108	16	74	44	61	72	563
2005	29	85	3	12	47	134	22	111	51	61	90	645
2006	31	82	2	10	59	135	31	109	26	57	76	618
2007	33	72	4	8	74	112	30	116	28	73	61	611
% change from 1993:	-3%	116%	-	-70%	-35%	3275%	55%	22%	-4%	-	3%	51%
% change from 2006:	6%	-12%	100%	-20%	25%	-17%	-3%	6%	8%	28%	-20%	-1%

**CRIMINAL DEFENDANTS CHARGED BY CATEGORY BY CALENDAR YEAR -DISTRICT**

	Embezzlement	Weapons/ Firearms	Escape	Burglary/ Larceny	Marijuana/ Controlled Substance	Cocaine/ Narcotics	Forgery/ Counterfeit	Fraud	Homicide Robbery Assault	Probation Transfer	Other	TOTAL
1993	32	45	0	33	156	20	20	89	30	-	74	499
1994	32	22	8	48	150	19	14	100	21	-	103	517
1995	28	36	2	30	62	113	9	162	26	39	71	578
1996	23	18	3	24	93	148	23	106	20	30	112	600
1997	26	15	0	55	59	180	21	78	6	33	120	593
1998	38	29	5	46	115	176	61	104	28	38	89	729
1999	28	15	3	35	99	106	37	96	41	48	52	560
2000	17	41	7	47	70	114	29	84	42	51	65	567
2001	25	30	1	15	85	99	34	88	54	56	39	526
2002	34	57	2	34	74	152	17	119	39	60	47	635
2003	30	86	0	20	73	219	17	86	51	69	58	709
2004	31	96	2	48	80	286	17	91	62	61	72	846
2005	29	92	3	12	52	280	26	141	58	61	90	844
2006	31	87	2	10	105	244	36	142	29	57	82	825
2007	33	90	4	8	105	222	48	143	32	73	61	819
% change from 1993:	-3%	93%	-	-70%	-33%	1120%	80%	60%	-3%	-	11%	65%
% change from 2006:	6%	3%	100%	-20%	0%	-9%	33%	1%	10%	28%	-26%	-1%

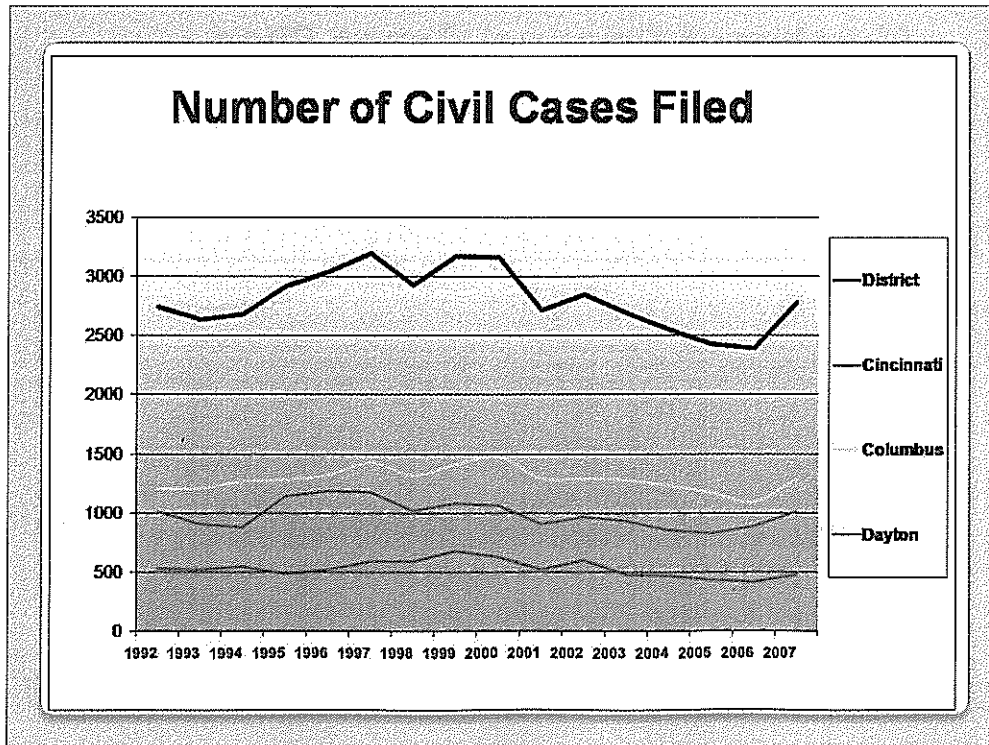
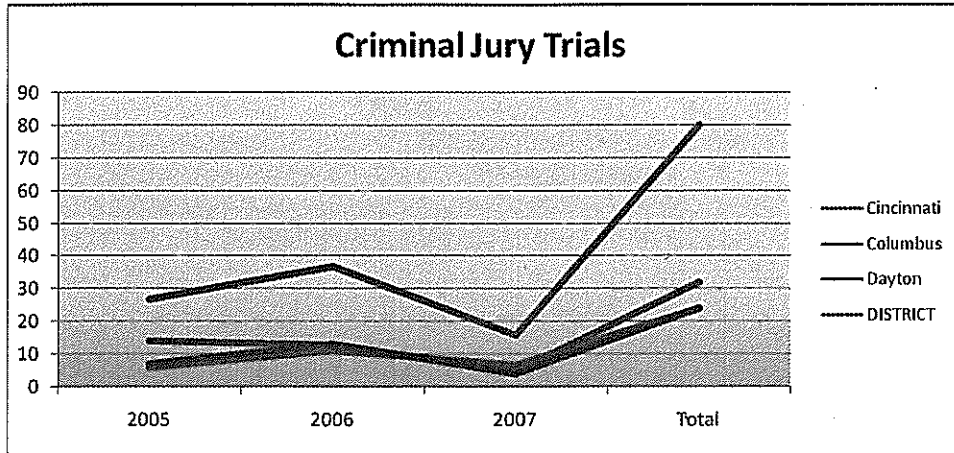
**Civil Jury Trials by Calendar Year**

	2005	2006	2007	Total
<b>Cincinnati</b>	24	27	15	66
<b>Columbus</b>	14	6	7	27
<b>Dayton</b>	3	4	3	10
<b>DISTRICT</b>	41	37	25	103

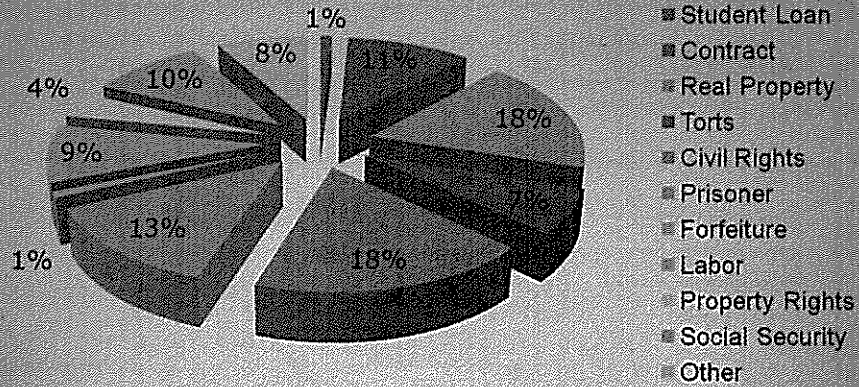


### Criminal Jury Trials by Calendar Year

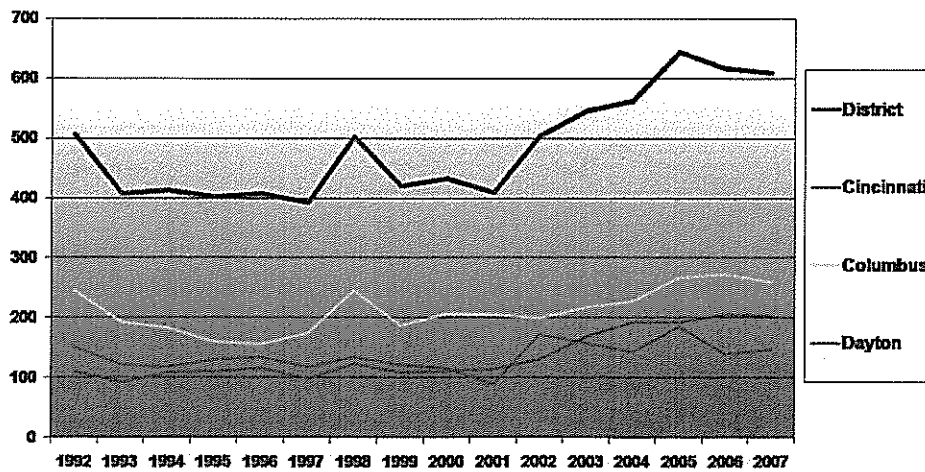
	2005	2006	2007	Total
<b>Cincinnati</b>	24	27	15	66
<b>Columbus</b>	14	6	7	27
<b>Dayton</b>	3	4	3	10
<b><i>DISTRICT</i></b>	41	37	25	103



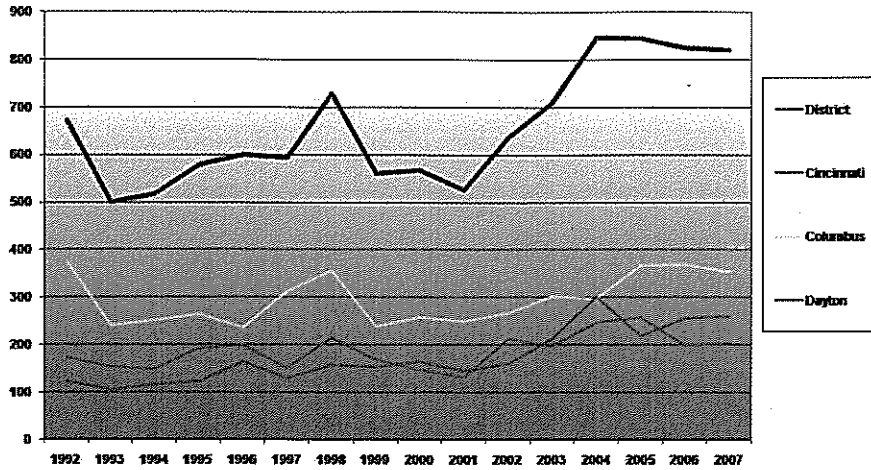
### Types of Civil Cases Filed 2007 District-Wide



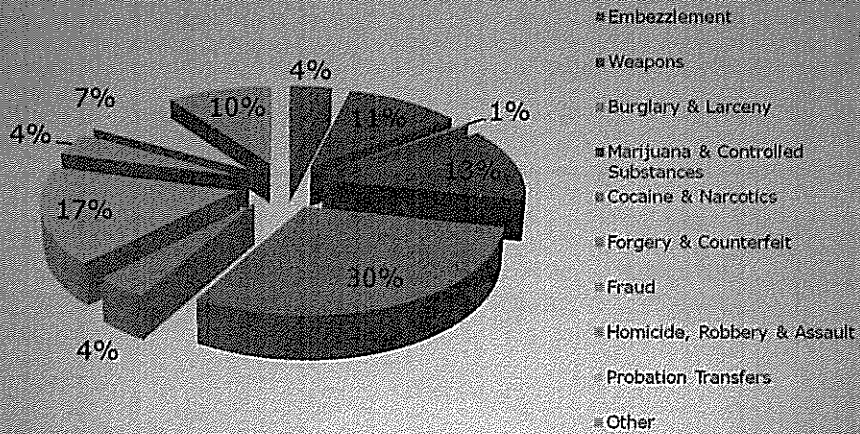
### Number of Criminal Cases Filed



## Number of Criminal Defendants Charged

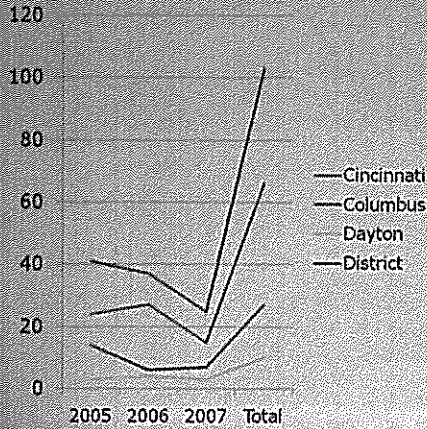


## Types of Criminal Cases Filed 2007 District-Wide

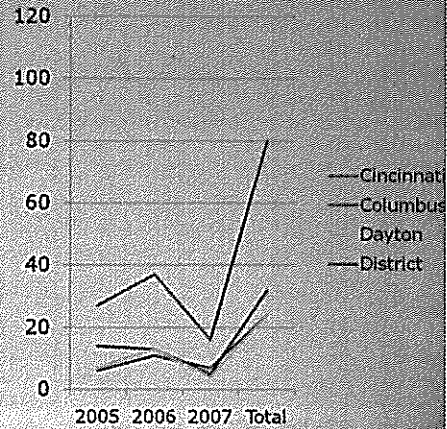


## District-Wide Jury Trials - 2007

### Civil Jury Trials

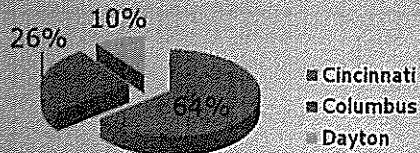


### Criminal Jury Trials

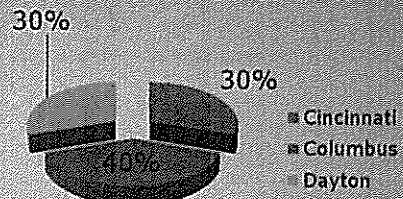


## District-Wide Jury Trials - 2007

### Civil Jury Trials by Percentage



### Criminal Jury Trials by Percentage



## Pretrial Services - 2007

- 1,125 Cases Opened
  - 65% Increase Over Past 7 Years
- Typical Defendant (Consistent Last 5 Years)
  - White, Non-Hispanic
  - 18-25 Years Old
  - Male
  - Employed
  - Some High School Education
  - Prior Arrest Record and Charged with a Narcotics-Related Offense

## Pretrial Services - 2007

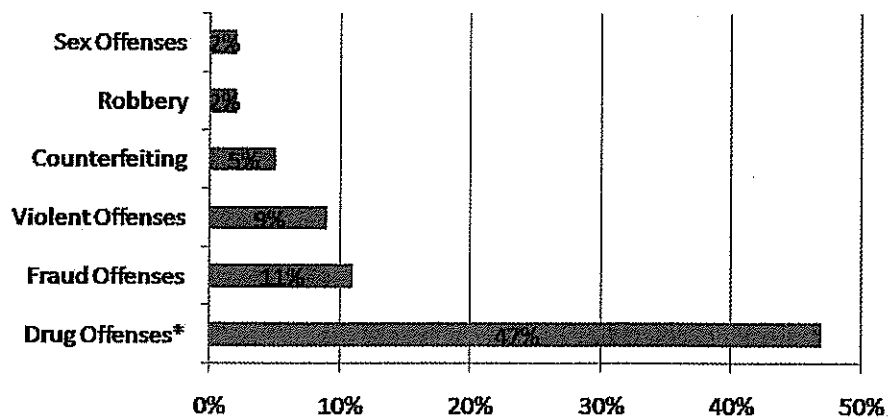
- 74.5% of all Criminal Defendants on Pretrial Release – District-Wide
  - Second Highest Release Rate in the Sixth Circuit
- The National Release Rate is 38.2%
- Re-Arrests
  - Violation Behaviors Promptly Identified
  - Formal Bond Violations or Revocations Avoided



## Probation Department - 2007

- Guidelines Presentence Reports – 612
- Petty Offense Presentence Reports – 22
- District-Wide Presentence Reports - 634

## Presentence Investigations Major Offenses



\* 60% of the drug offenses were cocaine or cocaine base offenses

## Probation Department Cases Under Supervision by Jurisdiction

	Cincinnati	Columbus	Dayton	District
<b>TSR</b>	478	674	275	1,427
<b>PROB</b>	114	237	114	465
<b>USM</b>	14	10	232	256
<b>Other</b>	41	146	48	235
<b>Total</b>	<b>647</b>	<b>1,067</b>	<b>669</b>	<b>2,383</b>

## Probation Department Revocations of Supervision by Jurisdiction

	Cincinnati	Columbus	Dayton	District
<b>TSR</b>	45 out of 478	49 out of 674	15 out of 275	109 out of 1,427
<b>PROB</b>	4 out of 114	6 out of 237	4 out of 114	14 out of 465
<b>USM</b>	1 out of 14	0 out of 10	12 out of 232	13 out of 256
<b>Other</b>	0 out of 41	12 out of 146	6 out of 48	18 out of 235
<b>Total</b>	<b>50 out of 647</b>	<b>67 out of 1,067</b>	<b>37 out of 669</b>	<b>154 out of 2,383*</b>

\* 6.5% Supervision Revocation

## **I.T. Department - 2007**

- Expansion of Courtroom Technology
- District-Wide Public Wireless Internet Service
  - Partnered with Sixth Circuit
- CM/ECF Upgrades
  - Software Improvements
- Initial Case Filings/Opening by Attorneys
  - Pay Online Feature



## **Space and Facilities**

- Prospectus II Project
  - March 2008 – Potter Stewart Courthouse
    - Interior – Upgrades and Repairs
      - New Seventh Floor Grand Jury Suite
      - New Seventh Floor Satellite Office for the US Attorneys
      - Universal Access Upgrade to the Public Restrooms and Water Fountains
      - Wayfinding – New Room Identification (with Braille), Floor and Building Directories
      - Sprinkler System

## Space and Facilities

- Prospectus II Project – Continued
  - Exterior – Upgrade and Repairs
    - Masonry Cleaning & Repair
    - Complete Window Replacement
    - New Roof and Generator
    - New Pavers and Bollards on the Walnut and Main Street Sides of the Building - May of 2008



## Settlement Weeks

### April 2007

- 45 Cases Mediated
- 15 Cases Settled
- 2 Cases Settled Later
- 37% Settlement Rate

### November 2007

- 38 Cases Mediated
- 10 Cases Settled
- 10 Cases Continued/In Progress
- 18 Cases Did Not Settle
- 28% Settlement Rate

### **JURORS**

We create our jury pool from voter registration rolls and Bureau of Motor Vehicle records. Our master jury wheel is refilled on a biennial basis. The Southern District of Ohio has an 8.6% juror participation rate of non-whites. The juror utilization rate in the Southern District of Ohio is 32.6%.

### **ATTORNEY ADMISSIONS**

Two bar examinations were given in 2007. A total of 244 attorneys were admitted to practice in the Southern District of Ohio.

### **HISTORIC COURTHOUSES GAIN MODERN TECHNOLOGY**

In calendar year 2007, modern technology was introduced in the historic federal courthouses in the Southern District Ohio, while simultaneous efforts were being made to maintain the historic integrity of these courthouses. In each of the three courthouses, Cincinnati, Columbus, and Dayton, the District Court installed Wi-Fi which provides jurors and attorneys internet access throughout the public areas of the courthouse. In Dayton, the District Court installed a technology system in Judge Rice's courtroom. This system, which enables attorneys to display video evidence to courtroom participants, significantly increases the efficiency of criminal and civil proceedings. Despite the addition of technology, the appearance of this 33 year old courtroom remains unchanged. Judge Rice's upgrade is yet another step in the Court's effort to modernize historic courtrooms.

Judge Sargus' Columbus, Ohio courtroom was updated with video evidence technology in 2005. This technology was seamlessly integrated into the original furnishings of this 72-year-old courtroom. Similarly, Judge Marbley's courtroom, constructed in 1935, will receive a technology upgrade in May 2008.

Despite the installation of this new technology, great efforts are being made by the District

Court and the General Services Administration (GSA) to ensure that the original designs of the courthouse are maintained. For example, the GSA completed the "First Impressions" project in 2007 in which the public lobbies were restored to their original grandeur.

The District Court and the GSA intend to continue their partnership in an effort to bridge our historical courthouses of the past with the technical requirements of the future.

### **INFORMATION AND TECHNOLOGY ACCOMPLISHMENTS**

The following highlights the Southern District of Ohio's Information and Technology accomplishments for calendar year 2007.

The District continued its expansion of courtroom technology by installing a state-of-the-art audio/visual system in the courtroom of the Honorable Walter Herbert Rice. Design and implementation projects are currently underway in the courtrooms of the Honorable Algenon L. Marbley, Gregory L. Frost, Michael H. Watson and Sandra S. Beckwith. The District's goal is to fully equip all Federal Courtrooms with modern technology as national funding becomes available.

Public wireless internet service was installed in all the district's courthouse buildings. This completion achieves our goal of providing wireless network access within the district's courtrooms, attorney conference rooms, attorney lounges, jury assembly areas and circuit libraries. Attorney admission funds were utilized to fund this project. The District Court partnered with the Sixth Circuit to achieve this goal in Cincinnati.

The court's Electronic Filing System (CM/ECF) was upgraded twice in the last year in accordance with a national directive. These upgrades provided application enhancements to both internal court personnel and our external filing community. A summary of the

newest features may be found on the courts website at <http://www.ohsd.uscourts.gov>.

The court introduced the ability for attorneys to open cases and pay fees electronically utilizing the court's Electronic Filing System (CM/ECF).

The internal I.T. infrastructure supporting the court's operations was progressively upgraded toward the goal of data security and maximum availability. Fundamental architecture issues such as power and equipment redundancy were introduced where possible.

### **JUDICIAL CONFERENCE COMMITTEES**

Judge Edmund A Sargus, Jr. of our Court serves on the Security Committee of the Judicial Conference. In the last year, the Committee has worked on a number of initiatives. Many of the committee's proposals, forwarded to and approved by the Judicial Conference, were enacted by Congress in both the FY 2008 appropriations and the Court Security Act of 2007, which was signed by the President on January 7, 2008. The legislation includes the following:

1. Enacting of a new crime involving the malicious filing of fictitious liens against judges and other federal officials. 18 U.S.C. § 1521.
2. Providing an additional \$20 million dollars to provide additional deputy marshals devoted exclusively to judicial security.
3. Permitting judges to use a courthouse address for purposes of a drivers license and other forms of government-issued identification.
4. Funding a \$6 million pilot project in which six courthouses, including Detroit, will have the Marshals Service take over security functions performed

by the Federal Protective Service (FPS). It is the intention of the Security Committee that the pilot projects will provide working examples of the benefits of a single security force at all primary courthouses.

5. Extending to 2011, the Judicial Conference's authority to redact security sensitive information from financial disclosure reports filed by federal judges.

As for the current year, the Security Committee has received approval from the Judicial Conference to move ahead with a new type of judicial credentials. The new version will include an expiration date of either the credentials themselves for Article III judges or the term of office for bankruptcy and magistrate judges. In particular, for those who have tried to use the credentials at airport security sites, the Transportation Security Administration has not and will not recognize a government ID without an expiration date. The new credentials will be issued later this year.

The pilot projects involving the transfer of duties from the FPS to the Marshals Service also raise the question of whether some or all primary courthouses should have 24/7 security. This is a most important question that involves both security and budget issues. The cost of such security is significant. All members of the committee would like to see 24/7 protection: the real question is whether such funds are available and if other security needs are more compelling, given limited funds.

Chief Judge Sandra S. Beckwith serves on the Committee on Defender Services of the Judicial Conference. In the last year, the Committee on Defender Services of the Judicial Conference established resources to assist judges in objective case budgeting

available through the Administrative Office and locally in the Second, Sixth and Ninth Circuits through the pilot project circuit case budgeting attorney position.<sup>1</sup>

The Committee requested that the Department of Justice use an expedited process for determining whether to authorize local United States Attorneys to seek the death penalty. This would eliminate a great deal of defense expense in the form of double attorneys' fees, extensive mitigation discovery and expert witness fees.

The Committee endorsed the new proposed transcript rates despite the likely financial impact upon federal public defender's budgets and CJA attorney expenses.

The Committee adopted a policy to require community defender organizations (with whom the AO contracts for services where federal public defender organizations are not located) to conform their personnel benefits to be comparable to those provided to federal public defender organizations - including leave, holidays and work weeks. In its administrative capacity, the Committee approved federal defender organization budgets and grants under the authority delegated to it from the Judicial Conference.

#### **SIGNIFICANT SOUTHERN DISTRICT OF OHIO CASES**

**State Farm Bank, F.S.B. v. Reardon**, 512 F. Supp.2d 1107 (S.D. Ohio 2007)(Sargus, J.) (holding that regulations promulgated by Office of Thrift Supervision did not preempt state law requiring independent mortgage brokers to obtain state licenses before

marketing first and second mortgages exclusively to federal savings associations).

**Lister v. Defense Logistics Agency**, 482 F. Supp.2d 1003 (S.D. Ohio 2007)(Sargus, J.) (holding that federal agency violated employee's First Amendment rights when it prohibited employee from posting religious materials on work place bulletin board).

**Kennedy v. City of Zanesville**, 505 F. Supp.2d 456 (S.D. Ohio 2007)(Marbley, J.) (on motion for summary judgment, holding that plaintiffs established genuine issue of material fact pursuant to Fair Housing Act whether city denied access to public water service on the basis of race).

**United States v. Abdi**, 498 F. Supp.2d 1048 (S.D. Ohio 2007)(Marbley, J.) (holding, in prosecution for conspiracy to provide material support to terrorists and designated foreign terrorist organization, that 1) 18 §§ 2339A & 2339B contain *mens rea* requirement and, therefore, are not unconstitutionally vague; 2) defendant not entitled to bill of particulars; 3) pursuant to Daubert, government entitled to present expert testimony on international terrorism; 4) defendant not entitled to pre-trial hearing on the admissibility of co-conspirator statements; 5) Fed. R. Evid. 403 did not preclude government from presenting evidence of images of websites relating to al-Qaeda taken from computers at defendant's business, jihadist dissertation, and defendant's statements concerning intent to detonate bomb; 6) defendant not entitled to grand jury transcripts; 7) proper to take judicial notice that al-Qaeda is a designated foreign terrorist organization; 8) improper to take judicial notice that United States was "at peace" with Somalia).

**United States v. Henderson**, 485 F. Supp.2d 831 (S.D. Ohio 2007)(Marbley, J.) (In prosecution for murder of federal witnesses, held Federal Death Penalty Act (FDPA) not unconstitutionally vague because prosecution's

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<sup>1</sup>The purpose of the CJA Case-Budgeting Pilot Project is to contain costs and maintain accountability for funds in capital habeas and large non-capital cases, *i.e.*, "mega cases," without diminishing the high quality representation of indigent defendants in federal court consistent with constitutional requirements and best practices.

ability to promulgate non-statutory aggravating factors circumscribed by congressionally mandated and court-imposed constraints; FDPA properly narrows class of death-eligible defendants; FDPA not unconstitutional because it requires court to adopt jury's verdict to impose death sentence; rejected defendant's selective prosecution claim on grounds that FDPA is not disproportionately applied to African-American defendants).

**CareToLive v. von Eschenbach**, 525 F. Supp.2d 952 (S.D. Ohio 2007)(Frost, J.)(holding that terminally ill cancer patients do not have liberty interest of access to experimental drugs, therefore, Food and Drug Administration and individual defendants entitled to qualified immunity on plaintiff's claim that FDA's denial of biological license application for experimental drug did not violate association members' substantive due process rights).

**Noland v. Hurley**, 523 F. Supp.2d 659 (S.D. Ohio 2007)(Watson, J.)(on petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, holding that petitioner's sentence violated *Blakely v. Washington*, 542 U.S. 296 (2004), because trial judge imposed maximum sentence pursuant to state statute permitting judge, and not jury, to make factual findings which enhanced petitioner's sentence; conditional writ granted unless state resentenced petitioner within ninety days).

**United States v. Norris**, 501 F. Supp.2d 1092 (S.D. Ohio 2007)(Holschuh, S.J.)(in bank theft prosecution, holding that pre-indictment delay of more than five years, caused when World Trade Center attacks diverted FBI priorities and resources to terrorism investigations, did not violate defendant's Fifth Amendment due process rights).

**Stringer v. National Football League**, 474 F. Supp.2d 894 (S.D. Ohio)(Holschuh, S.J.) (in wrongful death and products liability action

arising under state law, holding that nonsignatories to collective bargaining agreement could raise complete preemption defense based on Labor Management Relations Act; plaintiff's wrongful death claim against NFL preempted by LMRA because based on league's Hot Weather Guidelines and, therefore, inextricably intertwined with CBA; LMRA did not preempt products liability claims versus equipment manufacturer).

**Lee v. Javitch Block & Rathbone, LPA**, 522 F. Supp.2d 945 (S.D. Ohio 2007)(Beckwith, C.J.)(in action under Fair Debt Collection Practices Act, holding that genuine issue of fact existed whether debt collector's attorney had reasonable basis to believe that nonexempt funds existed in debtor's account when garnishment affidavit executed; cross motions for summary judgment denied).

**Reece v. Astrazeneca Pharm. LP**, 500 F. Supp.2d 736 (S.D. Ohio 2007)(Weber, S.J.)(in products liability action arising under state law, under *Daubert* holding that plaintiffs expert could testify concerning FDA procedures and regulations but, although a medical doctor, was not qualified to offer medical opinions on chronic pain, rhabdomyolysis, and renal failure; defendant entitled to summary judgment on plaintiff's failure to warn and negligence claims).

**In re Foreclosure Cases**, 521 F. Supp.2d 650 (S.D. Ohio 2007)(Rose, J.)(in diversity foreclosure actions, *sua sponte* requiring plaintiffs-financial institutions to establish Article II standing by submitting evidence demonstrating that plaintiffs held notes and mortgages, and that payments were in arrears, at time complaint was filed).

**Gunasekera v. Irwin**, 517 F. Supp.2d 999 (S.D. Ohio 2007)(Marbley, J.)(holding that professor did not have property interest in Graduate Faculty status; accordingly, university did not violate due process by suspending plaintiff without notice and



opportunity to be heard; university's name-clearing procedures satisfied due process although, *inter alia*, plaintiff was not permitted to be represented by an attorney and could not cross-examine witnesses).

**Bishop v. Oakstone Academy**, 477 F. Supp.2d 876 (S.D. Ohio 2007)(Marbley, J.)(in suit pursuant to Americans With Disabilities Act, Rehabilitation Act, and Individuals With Disabilities Education Act, plaintiffs required to exhaust administrative remedies before filing suit challenging autistic son's expulsion from school).

**American Sys. Consulting, Inc. v. Devier**, 514 F. Supp.2d 1001 (S.D. Ohio 2007)(Frost, J.) (in suit to enforce covenant not to compete, holding that removal of case from state court was proper pursuant to federal officer removal statute, 28 U.S.C. § 1442(a)(1), because at least one defendant, an employee of a private company, worked under the direction of a federal governmental official).

**Becton v. Starbucks Corp.**, 491 F. Supp.2d 737 (S.D. Ohio 2007)(Holschuh, S.J.)(in state law products liability and negligence action, on motion for summary judgment, holding that plaintiff submitted evidence sufficient for jury to conclude that defendant failed to use reasonable care in securing lids to coffee cups; plaintiff failed to present evidence of manufacturing or design defects).

**Colbert v. Tambi**, 513 F. Supp.2d 927 (S.D. Ohio 2007)(Weber, S.J.)(in habeas proceeding pursuant to 28 U.S.C. § 2254, holding that general notice of right to appeal provided in plea form and by trial judge was sufficient to advise petitioner he had right to appeal conviction and sentence; accordingly, petitioner's habeas claims time-barred pursuant to 28 U.S.C. § 2254(d)(1)(A) because conviction became final 30 days after time for filing appeal as of right expired).

**Wintermute v. The Guardian**, 524 F. Supp.2d 954 (S.D. Ohio 2007)(Rose, J.)(in ERISA action pursuant to 29 U.S.C. § 1132, holding that de novo standard applied to review third party plan administrator's decision denying benefits where plan document did not authorize delegation of decision-making to a third party).

**Huisjack v. Medco Health Solutions, Inc.**, 496 F. Supp.2d 859 (S.D. Ohio 2007) (Frost, J.) (holding that plaintiff's state law claim alleging she was wrongfully terminated for seeking disability benefits completely preempted by ERISA; nevertheless, claim would be construed as ERISA interference claim pursuant to 29 U.S.C. § 1140).

**United States v. Parrett**, 469 F. Supp.2d 489 (S.D. Ohio 2007)(Marbley, J.)(in criminal prosecution for wire fraud, mail fraud, securities fraud, and money laundering, holding that criminal forfeiture statute, 21 U.S.C. § 853, does not authorize pretrial restraint of substitute assets).

**United States v. Bogart**, 490 F. Supp.2d 885 (S.D. Ohio 2007)(Marbley, J.)(holding that trial court may not order payment of consequential damages as part of restitution order issued pursuant to Mandatory Victim Restitution Act).

**HER, Inc. v. RE/MAX First Choice, LLC**, 468 F. Supp.2d 964 (S.D. Ohio 2007)(Sargus, J.)(holding that defendant's First Amendment right to criticize plaintiff did not preclude liability pursuant to Anticybersquatting Consumer Protection Act for commercially misleading use of plaintiff's protected marks in website URL's).

**Tolliver v. Liberty Mut. Fire Ins. Co.**, 506 F. Supp.2d 260 (S.D. Ohio 2007)(Marbley, J.) (holding that Rooker-Feldman doctrine did not bar claims for injuries allegedly caused by defendant's conduct during litigation of prior

state court action because such injuries were not caused by the state court's decision itself).

**National City Bank v. Aronson**, 474 F. Supp.2d 925 (S.D. Ohio 2007)(Marbley, J.) (holding that U.S. citizen permanently domiciled in New Zealand was "stateless person" and, therefore, not a citizen of any state for purposes of establishing diversity jurisdiction pursuant to 28 U.S.C. § 1132; accordingly, court lacked subject matter jurisdiction over lawsuit because defendant's presence in lawsuit destroyed complete diversity).

### DIVERSITY

The Diversity Committee of the District Court was chaired by the Honorable Timothy S. Black with 17 employees serving on the committee. The committee provided presentations and related cultural food tasting celebrations during the year. Events presented through the calendar year were: African-American History in February; Women's History Celebration in March; Appalachian Heritage Celebration in April; Asian-Pacific Heritage in May; Hispanic-Latino Heritage in September; National Disability Awareness in October; and Native American Indian Heritage in November.

Speakers included the Honorable Nathaniel Jones and Mayor Rhine McLin for African-American History Month. A panel of women discussed women's issues during the Women's History Month Celebration. The presenters for Appalachian Heritage Celebration were Larry Redden of the Urban Appalachian Council and the Comet Bluegrass All-Stars band. For Asian-Pacific Heritage Celebration, the speaker in Cincinnati was Dr. Yushi Li, author of "The Graying of American and Chinese Society" and U.S. Attorney Vipal Patel in Dayton. For the Hispanic-Latino Heritage, Joe Nava and friends presented a slide show on Hispanic Heritage in all three divisions. For National Disability Awareness Month, Paula Jordan, from the Cincinnati Association

for the Blind, shared her personal struggles. In Cincinnati, in November, a curator from the Cincinnati Art Museum presented "The Vanishing Frontier" for Native American Indian Heritage Month.

### ATTORNEY ADMISSION FUND

The Southern District of Ohio continued, in 2007, to offer opportunities to the Cincinnati, Columbus and Dayton Chapters of the Federal Bar Association by allowing the different Chapters to apply for annual grants, not to exceed \$10,000 per chapter, through a formal grant application process. In the calendar year 2007, a total of \$25,000.00 was made available to the three Chapters of the Ohio Southern's Federal Bar Association in order to fund career development opportunities in the legal field through externships and scholarships for underprivileged and economically challenged law students.

The Southern District of Ohio also began reimbursing pro bono attorney expenses from the Attorney Admission Fund. This enabled counsel representing litigants proceeding *in forma pauperis* to more effectively represent their clients.

### MEDIATION PROGRAM

#### Overview

The District Mediator was appointed in late August. The focus in 2007 was on determining the most constructive design for the program, establishing processes for scheduling and tracking referred cases, and raising awareness of the program. By early 2008, administrative processes were in place, meetings were held with most of the judges and other court personnel, and presentations were made to the local chapters of the Federal Bar Association.

A theme that emerged was that the program should be an additional service offered by the court, as a complement to litigation and the existing tools for settling cases (i.e., settlement

weeks, volunteer mediators, and settlement conferences with judicial officers). By year end more than 80 cases were referred, building to the point where approximately 15 mediation sessions were being held per month, with a 63% settlement rate.

#### Administrative Accomplishments

**Scheduling System** - Typically, counsel will be contacted within two days of a referral, with open dates available within six weeks or less. The scheduling process leaves dates open for last-minute referrals.

**Case Tracking** - All mediation events (referral, scheduling, and outcome) are now reflected on the Court's internal docket and reported to chambers on the Daily Activity Report. Counsel receives notice of scheduled mediations by mail and service of docketed notices.

**User Surveys** - In keeping with the customer service emphasis of the program, surveys of attorneys and parties who used the program are being planned for 2008.

#### Mediation Results<sup>2</sup>

**Settlement Rates** - The overall 2007 settlement rate was 63%. Certain case types (employment and tort) settled at a significantly higher rate, while complex commercial cases settled at a significantly lower rate. The settlement rate for intellectual property cases was similar to the overall rate. The settlement rate for cases mediated before summary judgment motions were filed was nearly 90%, while only 50% of cases mediated after that point settled. Cases referred by a party or as part of Settlement Week settled at a higher rate than those referred by judges.

**Referral Sources** - Judges were the primary referral source (80%) for the four-month period, although attorney referrals (17%) increased significantly as attorneys became aware of the program. Referrals were distributed among the three seats of the court at 52% for Cincinnati, 40% for Columbus and 8% for Dayton.

**Case Types** - Employment (30%) and Commercial (28%) were the most commonly referred cases, followed by Tort (19%) and Intellectual Property (14%). The balance (9%) were Consumer, Environmental, and Public Policy cases.

The following settlement statistics were submitted by Robert Kaiser, District Court Mediator for Southern District Ohio.

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<sup>2</sup>With 28 cases mediated to conclusion, the sample is probably not large enough to draw accurate conclusions. However, some interesting trends appear to be emerging.

**ADR - Mediation Activity**  
**August 20 to December 31, 2007 by City**

	Cincinnati	Columbus	Dayton	Total
Mediation Contact/Scheduled	42	32	7	81
Dropped Before Mediation	1	1	-	2
Settled Before Mediation	3	1	1	5
Mediated to Conclusion	14	12	2	28
Settled	9	6.5	2	17.5
Impasse	5	5.5	-	10.5
Settlement Rate	64.3%	54.2%	100.0%	62.5%
Still in Active Mediation	7	7	-	14
Future Mediation Scheduled	17	11	4	32

**ADR - Mediation Activity**  
**August 20 to December 31, 2007 by Referral Source**

	Judge	Party	Mediator	Settlement Week	Total
Mediation Contact/Scheduled	65	14	-	2	81
Dropped Before Mediation	1	1	-	-	2
Settled Before Mediation	4	1	-	-	5
Mediated to Conclusion	24	2	-	2	28
Settled	13.5	2	-	2	17.5
Impasse	10.5	-	-	-	10.5
Settlement Rate	56.3%	100.0%	-	100.0%	62.5%
Still in Active Mediation	10	4	-	-	14
Future Mediation Scheduled	26	6	-	-	32

## ADR - Mediation Activity

### August 20 to December 31, 2007 by Subject Matter

	Comm'l	Pl/Tort	Employ	Environ	Pub Policy	Consumer	IP	Total
Mediation Contact/Scheduled	23	15	24	1	2	5	11	81
Dropped Before Mediation	-	1	1	-	-	-	-	2
Settled Before Mediation	1	-	1	-	-	2	1	5
Mediated to Conclusion	8	6	11	-	-	-	3	28
Settled	2	4.5	9	-	-	-	2	17.5
Impasse	6	1.5	2	-	-	-	1	10.5
Settlement Rate	25.0%	75.0%	81.8%	-	-	-	66.7%	62.5%
Still in Active Mediation	4	1	1	1	2	2	3	14
Future Mediation Scheduled	10	7	10	-	-	1	4	32

## ADR - Mediation Activity

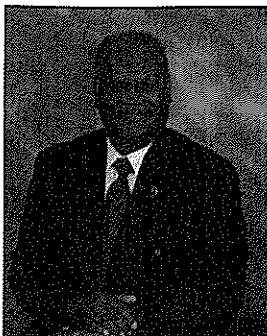
### August 20 to December 31, 2007 Stage of Litigation

	No/Little Discovery	Before MSJ Filed	Before MSJ Ruling	After MSJ Ruling	Before FPTC	After FPTC	Total
Mediation Contact/Scheduled	20	26	10	7	6	12	81
Dropped Before Mediation	-	1	-	1	-	-	2
Settled Before Mediation	2	1	-	-	-	2	5
Mediated to Conclusion	4	5	4	1	5	9	28
Settled	3	5	2	0	2.5	5	17.5
Impasse	1	0	2	1	2.5	4	10.5
Settlement Rate	75.0%	100.0%	50.0%	-	50.0%	55.6%	
Still in Active Mediation	4	6	2	2	0	0	14
Future Mediation Scheduled	10	13	4	3	1	1	32

Magistrate Judge mediation/settlement statistics for the Southern District of Ohio by Division.

<b>Division</b>	<b>Number of Mediation</b>	<b>Number of Settlements</b>	<b>% Settled</b>
<b>Cincinnati</b>	83	27	32.5%
<b>Columbus</b>	160	86	53.8%
<b>Dayton</b>	18	11	61.1%
<b>Total</b>	261	124	47.5%

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



*Honorable Curtis L. Collier  
Chief Judge*

**CHAMBERS**

**COURT STRUCTURE** - The U.S. District Court for the Eastern District of Tennessee has four divisions. We have courthouses in each of those divisions: Chattanooga, Greeneville, Knoxville, and Winchester. Winchester is a non-resident judge courthouse staffed by one deputy clerk. Knoxville is the headquarter's office.

**JUDICIAL OFFICERS** - We have five district judges. They are Chief Judge Curtis L. Collier and Judge Harry S. Mattice in Chattanooga; Judge Thomas W. Phillips and Judge Thomas A. Varlan in Knoxville; and Judge J. Ronnie Greer in Greeneville. We have two senior district judges. They are Judge R. Allan Edgar in Chattanooga and Judge Leon Jordan in Knoxville. We have five magistrate judges. They are Chief Magistrate Judge Dennis H. Inman in Greeneville; Magistrate Judge William B. Mitchell Carter and Magistrate Judge Susan K. Lee in Chattanooga; and Magistrate Judge C. Clifford Shirley and Magistrate Judge Bruce Guyton in Knoxville.

The Honorable James H. Jarvis, Senior U.S. District Judge, passed away on June 6, 2007. Judge Jarvis took office on October 30, 1984,

sitting in the Knoxville Division. When he took the bench, it was the first time that the Eastern District of Tennessee had two judges domiciled in the same division. Judge Jarvis took senior status on Thursday, February 28, 2002. Even after he became ill in 2002, he continued to carry a substantial case load. Until the time of his death, he retained his two law clerks and judicial assistant, Cliff Rodgers, Tom Slagle and Mary Lou Heath, who worked for him throughout his career on the federal bench. They retired in December 2007. A ceremony to unveil Judge Jarvis' portrait was held on November 16, 2007.

**JUDICIAL WORKLOAD** - Our caseload has remained steady over the past year. We had 1756 cases filed as of the 12-month period ending September 30, 2007 (the latest data available). Our weighted filings are 416 per judgeship, which places us 4<sup>th</sup> in the circuit and 49<sup>th</sup> in the nation. Our criminal felony filings continue to increase and we stand at 2<sup>nd</sup> in the circuit and 28<sup>th</sup> in the nation. Our median time from filing to trial in civil cases is 23 months which places us 2<sup>nd</sup> in the circuit and 36<sup>th</sup> in the nation. The largest percent of our civil caseload is civil rights suits at 20%. Prisoner cases, at 19%, are the second largest part of our civil caseload, followed by tort cases at 14%. Contracts cases make up 12%

of our civil caseload and social security cases account for 10% of our civil caseload. The largest percentage of our criminal caseload is drug cases at 34%. The next largest category of criminal cases is firearms and explosives at 31%.

Our court agreed to handle another multi-district litigation (MDL) matter this year. Judge Greer agreed to handle the MDL litigation which involves seven cases alleging violations of anti-trust law, including price fixing and stifling competition in the milk industry.

A panel of the Sixth Circuit Court of Appeals sat in the Knoxville Division last April. Senior Circuit Judge Eugene E. Siler, Circuit Judge Jeffrey Sutton, and Senior District Judge Leon Jordan sat as a panel and heard eight cases.

**ATTORNEY ADMISSION CEREMONIES** - Our court conducted nine attorney admissions ceremonies in the past year. We admitted 191 attorneys to practice in federal court.

**NATURALIZATION CEREMONIES** - Our district conducted eight regular naturalization ceremonies and three special ceremonies in which 522 people became naturalized citizens. One of the special ceremonies was conducted by Judge Varlan in a hospital room where he administered the oath of American citizenship to a critically ill woman who died 20 days later. Judge Varlan also conducted a special ceremony at a school so the class could observe the naturalization ceremony of their teacher.

**PUBLIC OUTREACH** - Our court continued to emphasize educating the public about the federal judicial system. We created a Public Outreach web site to highlight various outreach activities of the court. Judges spoke to numerous civic groups throughout the district. These groups, some of which toured our courts, included Boy Scout troops, church

senior citizens' groups, University of Tennessee journalism students, elementary and high school students, Knoxville Police Academy, Chattanooga Police Academy, Chattanooga Civitan Club, and Infragard Knoxville Alliance.

The Chattanooga Division hosted a Constitution Day program for students from three high schools, which included an interactive speech by Chief Judge Collier, a lesson on the Bill of Rights by Magistrate Judge Carter and a question and answer game show structured session by Magistrate Judge Lee. Judge Greer presented a Constitution Day program to about 200 students, faculty and staff members at Northeast State Technical Community College.

**SIXTH CIRCUIT JUDICIAL CONFERENCE** - The district is honored and pleased to host the 2008 Sixth Circuit Judicial Open Conference. Chief Judge Collier is especially grateful for the leadership of Senior Judge Leon Jordan and Life Member G. Wilson Horde in chairing the local Conference Steering Committee.

#### **CLERK'S OFFICE**

**CLERK'S OFFICE STRUCTURE** - The Clerk's Office has forty-five employees, including the Clerk of the Court, and they are stationed in the four divisions. The Knoxville division has twenty-three employees - eleven in Operations, one District Manager, five in IT, and eight in Administration (including the Clerk). The Greeneville Division has eight employees - seven in Operations, and one Division Manager. The Chattanooga and Winchester Divisions have 12 employees - ten in Operations, one Division Manager, and one in IT.

**AUTOMATION PROJECTS** - Our court continues to stay in the forefront of technology. We participated in the consolidation of the JMS server to the



CM/ECF server. We also successfully completed our FAS4T server consolidation to the Phoenix Data Center. This conversion resulted in a 27.1% increase in processing speed for financial transactions.

We joined with the bankruptcy court to purchase and install a Voice Over IP digital telephone system in three of our divisions. We were able to reduce installation expenses by utilizing parts of the system that Probation already installed in two divisions. Our telephone line expenses are lower, yet we have greater capacity. We expect to see even lower telephone bills as we eliminate fax, interpreter, and modem lines and integrate them into the new telephone system. Additional efficiencies were created by sharing maintenance of the new system between district court, bankruptcy court, probation and IT staff from the three units.

We have DEPs units in each of our courtrooms and individual flat screen monitors for judge, witness, and attorneys. Until recently jurors viewed evidence presentation on one large flat screen monitor. We are in the process of installing jury monitors in the jury box in each courtroom for every two jurors seated. This is a feature that attorneys who serve on our Court Technology Committee have requested. We are handling the installation in-house which has saved significant costs.

We installed PRI lines in Greeneville and Knoxville and shared installation fees with the bankruptcy court. PRI lines replaced ISDN lines and eliminated the monthly fee.

We also implemented the eDesignate system, a secure, web-based enterprise system that streamlines and automates the process for the Bureau of Prisons (BOP) to designate convicted prisoners to federal facilities and to submit to the BOP Judgment and Commitment Orders, Pre-Sentencing Investigation reports, Statements of Reasons, USM-129 forms and other designation data.

**CLERK'S OFFICE STAFF** - Clerk's Office staff were selected to serve on various committees and training programs. The Clerk was appointed by Director Duff to serve on the District Court Advisory Group and the Human Resources Advisory Council. The Chief Deputy served on the CM/ECF subgroup. The IT Manager was selected to serve as a facilitator for the Courtroom Technology program developed by the Federal Judicial Center. The Human Resources Specialist was appointed by Director Duff to serve on the Work Measurement Team. The Financial Specialist and Budget Analyst were asked to serve as mentors to other courts in implementing CCAM.

**CM/ECF** - We implemented versions 3.0 and 3.1 of CM/ECF and plan to implement version 3.2 by May 12. We transitioned from JMS-43 to MJSTAR and from JMS-10 to CM/ECF reporting. We implemented the case assignment module of CM/ECF. Attorney filings for non-court events average 67%, which is above the national average of 54%. Percentage of attorney filings considering all events filed (including court-filed events) averages around 32% and the national average is 25%.

**COURTHOUSE FACILITIES** - We continue to upgrade and maintain our courthouses. The oldest courthouse in the district is the Joel W. Solomon Federal Building & U.S. Courthouse in Chattanooga, which was built in 1932 as a courthouse and post office. The courthouse has required extensive renovations and we are out of space. We are working with the Administrative Office of the U.S. Courts to be placed on the Five-Year Courthouse Construction Plan under the new ranking procedure. This past year we added separate and independent heating and ventilation systems for judges' chambers and clerk's office because of inadequate heating and cooling. We are in the process of remodeling one courtroom to increase the size of the jury box and to

reconfigure space and infrastructure to better accommodate electronic courtroom equipment. We worked with GSA to develop a plan under the Workplace 2020 initiative to reconfigure and renovate space in the Chattanooga clerk's office. The work has been bid, but a contractor has not been selected. We improved security in our Winchester Division by acquiring 215 useable square feet to add a door separating the public space from clerk's office and chambers. We remodeled an office for a judicial assistant in the Knoxville Division.

**COURTROOM USE STUDY** - Our court was chosen to participate in the Courtroom Use Study. The study was requested by Congress to determine the amount of time federal district courtrooms are in use. The study, which covers the periods between April 16 and July 15, 2007, is designed to capture two types of data—events scheduled in the courtrooms and the actual use of the courtrooms. The data-gathering phase has now been completed and the FJC has analyzed the data and is working on a report to submit to the Judicial Conference.

**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 2007, 45 employees of the Clerk's Office received a combined total of 1872 training hours. All staff with procurement duties received required training to be certified as level 3 contracting officers.

### **PROBATION/PRETRIAL**

**STAFFING** - The United States Probation Office for the Eastern District of Tennessee has a total of 65 employees. One Chief Probation Officer, a Deputy Chief Probation Officer, six Supervising U.S. Probation Officers, one Administrative Manager, one Personnel Specialist, one Budget Administrator, five Guideline Specialists,

three Electronic Monitoring Specialists, three Drug and Alcohol Treatment Specialists, two Mental Health/Sex Offender Specialists, one Safety Specialist, one Team Leader, twenty-five Line Officers, and fourteen Support Staff.

**PRETRIAL WORKLOAD** - During Fiscal Year 2006-2007, the U.S. Probation Office for the Eastern District of Tennessee conducted 732 pretrial bond investigations. These investigations were presented to the Magistrate Judges in the Eastern District of Tennessee to assist with the bond determination process. It should be noted; out of the 732 individuals who appeared before the Magistrate Judges, 224 of these defendants were ordered released to pretrial supervision. In considering this information, 98 of these defendants were ordered to receive substance abuse treatment, 20 received mental health services, and 79 of these defendants violated their conditions of release while on bond.

**ALTERNATIVES TO DETENTION** - Alternatives to detention utilized during fiscal year 2007 included 56 defendants being placed on Home Confinement with Electronic Monitoring (EM). The costs attributed to the EM program totaled \$19,675.50. Co-payments received from defendants with EM totaled \$2,820.25, resulting in a net cost to the government of \$16,855.25.

It should be noted, 24 defendants received either mental health treatment or substance abuse treatment in residential/inpatient facilities. The total costs associated with these services was \$57,954.

In lieu of having pretrial officers provide drug testing, there were 21 defendants who received drug testing services from a contract vendor. The aforementioned services, coupled with treatment, totaled \$1,150.50.

It appears that of the 224 defendants released on bond, 96 of these defendants received services totaling \$78,780 (which includes

\$8,671.25 in co-pays). It should be noted, had the 96 defendants not been recommended for release on bond with the appropriate conditions, their total cost of incarceration is estimated to have been \$701,452.50. Essentially, the cost savings to tax payers totals \$631,343.75.

Additional expenditures on other alternatives to detention include drug testing [by the probation office or laboratory confirmation], outpatient group substance abuse counseling, substance abuse assessments conducted on defendants in custody, and individual outpatient mental health counseling totaled \$7,468.05. The total cost of alternatives to detention for the 2007 fiscal year was \$86,248.05, minus \$8,671.25 received in co-payments from defendants, for a net cost of \$77,576.80.

**TREATMENT SERVICES** - As detailed above, pretrial services spent approximately \$77,576.80 on testing and treatment services for pretrial defendants. This included outpatient/inpatient substance abuse and mental health treatment, individual counseling, family and group therapy, and electronic monitoring. This was accomplished through 12 separate contracts for services, and approximately 13 locations that services could be provided.

**PRESENTENCE WORKLOAD** - The U.S. Probation Office for the Eastern District of Tennessee during Fiscal Year 2006-2007 was ordered to complete 539 presentence investigations. In December 2007, the U.S. Sentencing Commission issued a memorandum indicating that pursuant to 28 U.S.C. §944(u) and 18 U.S.C. §3582(c)(2), their intention to amend USSG §1B1.10. Essentially, the aforementioned changes had a significant impact on offenders with convictions for offenses involving crack cocaine. As a result of this change, the U.S. Probation Office for the Eastern District of Tennessee may potentially be required to

recalculate, assess community risks, and gather post sentencing information in approximately 627 cases.

**SUPERVISION WORKLOAD** - During Fiscal Year 2006-2007, the Eastern District of Tennessee supervised approximately 1,119 post conviction supervision cases. It should be noted that of the 1,119 cases supervised, 370 violation reports, request for modifications, and/or no action reports were forwarded to the court for review and consideration. In furtherance, a total of 169 offenders were revoked from supervision (111 technical and 58 criminal violations).

**TREATMENT, TESTING, AND HALFWAY HOUSE SERVICES** - The U.S. Probation Office expended a total of \$122,980.54 in drug treatment, \$127,288.50 in mental health services, and \$17,337.93 in electronic monitoring expenses. A total of \$81,671.25 was collected from those offenders ordered to provide co-pay for services rendered.

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

*Honorable Todd J. Campbell  
Chief Judge*

**United States District Judges:**

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

**Senior United States District Judges:**

Honorable Thomas A. Wiseman, Jr.  
Honorable John T. Nixon  
Honorable Robert L. Echols

**United States Magistrate Judges:**

Honorable Juliet E. Griffin  
Honorable E. Clifton Knowles  
Honorable John S. Bryant  
Honorable Joe B. Brown

**United States Bankruptcy Judges:**

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

**INTRODUCTION**

The last two years have brought significant and rapid changes in many different areas of the United States District Court for the Middle District of Tennessee. Here are the highlights:

**Judicial Officers:**

- Judge Robert Echols took senior status on March 1, 2007. Judge Echols continues to carry a full case load.
- Judge Thomas Wiseman, appointed by President Carter on August 11, 1978, has served the Court with honor and distinction for thirty years.

- Magistrate Judge John Bryant was appointed to succeed Magistrate Judge Joe Brown, who retired effective August, 2006. Judge Bryant, a former partner with the firm of Walker, Bryant, Tipps & Malone, is a graduate of Vanderbilt University School of Law.
- Magistrate Judge Joe Brown continues to serve the Court as a Magistrate Judge in recall status. His second annual term of service has been approved by the Sixth Circuit Judicial Council through August 7, 2008.
- Magistrate Judge Cliff Knowles has been reappointed as Magistrate Judge for an eight year term commencing on July 7, 2008.
- Gus Puryear has been nominated to succeed Judge Robert Echols as District Judge. Mr. Puryear currently serves as General Counsel for Corrections Corporation of America in Nashville.
- Judge Robert Echols continues to lead the new courthouse project for the Court. The design development drawing phase has been completed and the Court has selected courtroom layouts and room finishes. The courthouse awaits construction funding by Congress.
- Judge John Nixon is presiding over two lengthy and complicated federal death penalty cases. The Jury

Department processed over 4,200 juror summons and questionnaires to qualify 1,490 potential jurors for the jury pool in one case.

### STATISTICS

- There were approximately 1,629 civil cases and 518 criminal defendants pending as of the end of calendar year 2007.
- Overall case filings for statistical year 2007 were 1,844.
- The judges in the Middle District of Tennessee continue to try a high number of cases. In 2007, the district was tenth in the nation in the number of trials completed per judgeship.
- The Court administered the oath of allegiance to 1,642 new citizens in 2007. At least three ceremonies a month are conducted in the Nashville division.
- Mandatory electronic filing has been in place since CM/ECF implementation in July of 2005. The Court now has 3,177 attorneys registered for electronic filing and over 635,000 individual PDF documents in the system.

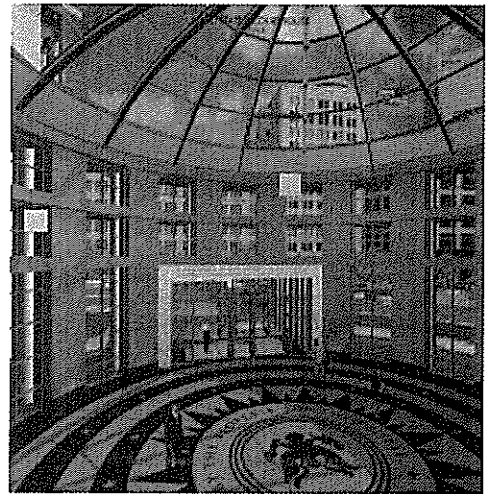
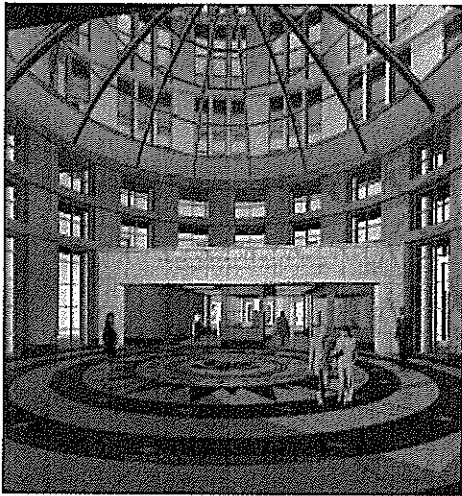
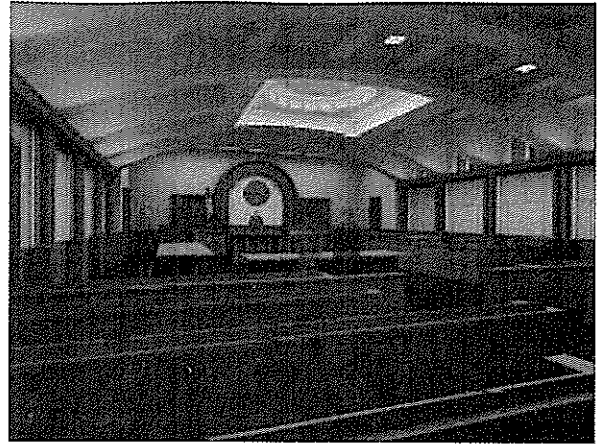
### COURT ADMINISTRATION

- Various Administrative Orders were issued by the Court in 2007 to improve case management:
  - By Administrative Order 158-1 dated April 25, 2007, the Court revised its procedures for the assignment of death penalty related cases filed pursuant to 42 U.S.C. §1983.
  - By Administrative Order 173 dated June 28, 2007, the Court authorized the Bankruptcy Appellate Panel to hear bankruptcy appeals originating in the

Middle District of Tennessee with the consent of the parties.

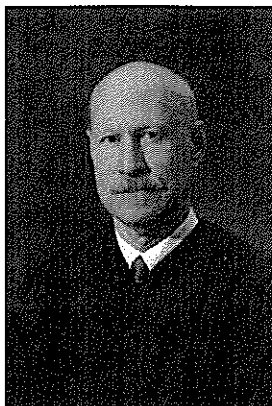
- By Administrative Order 174 dated July 9, 2007, the Court adopted standards for the discovery of electronically stored information.
- By Administrative Orders 175 and 176 dated August 13, 2007, the Court clarified procedures for assignment and reassignment of related civil cases and certain other cases.
- Effective June 1, 2006, the Local Rules of Court were renumbered to conform to the numbering system used by the Federal Rules of Civil Procedure and Criminal Procedure. The Federal Courts Committee of the Nashville Bar Association provided valuable assistance on this Local Rules project.
- The Court, in conjunction with the Federal Courts Committee of the Nashville Bar Association, updated the Practice and Procedure Manuals for each judge.
- The Court's internet website was redesigned and updated in 2007. The Federal Courts Committee of the Nashville Bar Association provided helpful ideas for the creation of the new website: [www.tnmd.uscourts.gov](http://www.tnmd.uscourts.gov)
- The Court Library Fund Committee established a scholarship program in 2007 for economically disadvantaged law students from the Middle District of Tennessee. For the 2008-2009 academic year, a total of \$20,000 has been provided to the four Tennessee law schools to be awarded exclusively to economically disadvantaged law students from the Middle District of Tennessee.

- The Attorney Lounges in the District Court and the Bankruptcy Court have been renovated for the comfort of the Bar. Computer workstations with internet access, as well as printing and scanning capabilities, are provided to assist lawyers. A “Wi-Fi” wireless computer network is also available at both courthouses for attorneys to use at no charge.
- The Court renovated the Grand Jury room to provide improved working conditions for the Grand Jury in 2007. New carpet, a riser-style seating system and new furnishings were provided to update the room.
- An additional Magistrate Judges chambers has been constructed on the seventh floor of the courthouse to accommodate the growing Court.
- A “text message” emergency notification system has been established for Court personnel.
- The United States District Court for the Middle District of Tennessee was recognized as one of the finest trial courts in the nation. 40 Suffolk U.L. Rev. 67 (2006).



All the above images of the proposed new courthouse for the United States District Court for the Middle District of Tennessee were prepared by Michael Graves & Associates, architects.

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



*Honorable Jon Phipps McCalla  
Chief Judge*

The year 2007 was one of continued technological innovation and implementation of systems and reporting programs to enhance the operations of each of the District and Magistrate Judge courts and the administrative and financial functions of the Clerk's Office. One of the highlights of the year was the renaming of the Federal Building in Memphis to honor our deceased colleague, **Judge Odell Horton, Sr.**

**THE RENAMING CEREMONY**

On August 24, 2007, the Clifford Davis Federal Building in which the district court is housed was renamed the Clifford Davis/Odell Horton Federal Building. The **Honorable Steve Cohen**, Congressman for Tennessee's Ninth District, was the master of ceremonies and remarks were made by **Senator Lamar Alexander**, **Congressman Cohen**, **Shelby County Mayor A.C. Wharton**, and **City of Memphis Mayor W.W. Herenton**. Additionally, Court of Appeals **Judges Ronald Gilman and Julia Gibbons** were recognized for remarks, as were each of the active District Judges and Magistrate Judges of the Western District of Tennessee. The unveiling of the granite sign displaying the new name of the building was by the Odell

Horton Family including Judge Horton's wife, **Evie Horton**, their two sons, and Judge Horton's grandchildren.

The renaming ceremony was the culmination of the efforts of many individuals and elected officials and was a distinct honor for Judge Horton, his family and the Court.

Summarized below are some of the activities completed by the Court and Clerk's Office during the last twelve months.

**BUDGET, FINANCE AND  
PROCUREMENT**

A comprehensive overhaul of our entire financial management and reporting system was completed in preparation for the Court's cyclical financial audit, which was conducted in June 2007. Earlier financial audits had uncovered material findings of noncompliance. Our June 2007 audit resulted in no findings other than the need for ongoing work on internal controls. In the process of preparing for this audit and to correct previous financial management and reporting problems, the staff under the leadership to **Tom Gould**, Clerk of Court, and Chief Deputy Clerks **Ron**



**Dowling and Wendy Oliver** constructed an in-house accounting system that has worked flawlessly in balancing all of our receipts, ledgers and finances every evening since its launch in January 2007. Details of other improvements can be provided as requested.

#### **SPACE AND FACILITIES**

A number of tenant alterations and remodeling projects were completed without the need for supplemental funding, including: the creation of CM/ECF Q/C and Magistrate Judge Case Manager offices and a new finance unit records room; reconfiguration of the walk-in vault for sensitive and sealed records; conversion of the former trial exhibit room into a second jury assembly area; creation of a pro se client research and data retrieval room; conversion of a former storage area into an electronic training and conference center containing more than 20 PC terminal stations; installation of a CM/ECF training lab for two attorney or legal staff trainees; construction of a new on-site physical asset inventory storage center; conversion of unused storage area into a 347 square foot secure financial research room, including a secured separate walk-in room for contraband, weapons and treasury stock; construction of a court reporter storage room for transcription rolls and audio tapes; partial remodeling of the I.T. staff area (with balance to be completed in FY08); complete reconstruction of the public lobby, public counter and Intake Unit, including a private office for the Intake Unit supervisor; and general cyclical maintenance throughout the Clerk's Office.

As a separate project, by careful budgeting, funding has been located within our local court budget to pay for the cost of relocating four judicial officers within or between our divisional offices, including the cost of remodeling and refurbishing these chambers and physically moving each of the affected Judges to their new chambers and courtrooms.

#### **COURT TECHNOLOGY AND TELECOMMUNICATIONS**

In addition to building in-house a completely electronic accounting and financial reporting system, a number of other projects were completed, including: successful conversion of CM/ECF from Version 2.5 to Versions 3.05 and 3.1; training for the entire staff related to the conversions of CM/ECF; creation of a new computer application for tracking and managing pro se staff attorney operations, including a menu-driven reporting function available to all judicial officers; design and construction of an entirely new external website located at <http://www.tnwd.uscourts.gov>; commencement of electronically scanning of administrative paperwork and moving to an all-electronic administrative operation; installation of an entirely new digital telephone system in the Eastern and Western Divisions in the District Court; and installation and adaptation of a computerized jury management and information system.

#### **PERSONNEL AND TRAINING**

Another year was completed without the need to implement staff furloughs, layoffs or terminations. Additionally, funding was set aside to launch a comprehensive employee training program in the areas of leadership, basic supervisory and personnel management skills, communication skills, organization and juggling multiple priorities techniques, employment-related stress management, and ways to deal with difficult customers. These training sessions (which were actually conducted during FY08 on a cross-over purchase order) were handled by instructors from the University of Memphis.

#### **DISASTER RECOVERY SYSTEMS**

Agreements were entered into with a Memphis-area facility to serve as our alternate court site in the event that our primary courthouse facility is destroyed or rendered uninhabitable due to a natural or man-made disaster. These arrangements, which were

handled by the Clerk's Office on behalf of the District Court, the Probation and Pretrial Services Units, the Federal Public Defender, the U.S. Immigration Court and the U.S. Attorney's Office, were completed at no cost to the court system or any other agency.

Additionally, the acquisition (at no cost) was completed of fully operative surplus military vehicles and equipment for the construction of a completely mobile electronic court system that can provide for a DCN and Internet-ready court facility within four hours of arriving at any disaster site. This capacity does not even require on-site power since our mobile units include portable, diesel-powered electric generators. This mobile courtroom was successfully tested over 600 miles from Memphis. The entire system was trucked to a remote site and a minimal number of staff (four in all) was able to reconstitute an electronic courtroom, including access to the Internet as well as the AOUSC's DCN pipeline, within a few hours of arrival.

Other disaster recovery operations included preliminary work on a secure mail opening facility (following three episodes of the Clerk receiving contaminated mail) and completion of COOP, OEP and SIP Plans by the Clerk's Office. Additionally, the Clerk's Office implemented ongoing air quality testing operations in response to fungus and spore contamination resulting from water infiltration into the Memphis federal building housing our primary Clerk and District Court operations.

#### **SEMINARS, CONFERENCE AND SPECIAL EVENTS**

A full calendar of educational events was conducted by or participated in by the Court and/or the Clerk's Office, including: a summer series of six CLE sessions for the Federal Bar Association; the 2007 Annual Federal Practice CLE Conference for the Federal Bar Association; a half-day presentation for the Memphis Bar Association's 2007 Bench/Bar Conference; the 2007 Immigration Law CLE

Conference; the 2007 Law School for Journalism sponsored by the District Court and the University of Memphis Law School; a special presentation by the Clerk of Court to the Shelby County Court Judiciary and County Administration on electronic filing and case management systems; a special presentation to the Memphis Bar (major firm executives) on the enhancements in the District Court's Civil Pro Bono Program (this program resulted in a large number of civil attorneys joining the Court's pro bono panel); a special all-day series of presentations and events for a USPTO delegation of Vietnamese Judges and Prosecutors; a new Law Clerk Orientation Program; and our ongoing monthly courtroom technology training sessions for attorneys preparing to try cases in our federal courtrooms. In addition, the Clerk of Court also presents outreach sessions to Memphis-area elementary and junior high schools covering the federal court system, the U.S. Constitution and Bill of Rights, principles of government and the court system.

#### **LEGAL AND ADMINISTRATIVE FUNCTIONS**

The Local Rules of Court were revised and policies and procedures adopted to add Magistrate Judges to the Civil Case assignment system. This plan was implemented in early July 2007 and Magistrate Judges were assigned to serve as presiding judges in civil actions shortly thereafter. Monthly statistical reports are prepared by the Clerk of Court detailing the status and progress of these new civil case assignments.

The District Court was also selected to serve as the backdrop for a motion picture shot in Memphis (working title "Nothing but the Truth"). This activity was successfully completed. No extra expense was incurred by the Court or any other court unit.

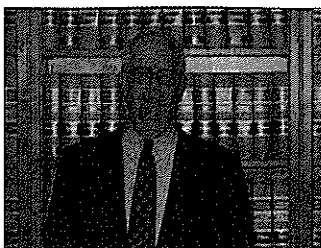
### **CASELOAD STATISTICS**

For 2006, our Court ranked 1st in the Sixth Circuit and 11th in the country for the category of Trials Completed Per Judge. For 2007, our Court ranked 1st in the Sixth Circuit and 3rd in the country for the category of Trials Completed Per Judge. Despite this high ranking in Trials Completed Per Judge, our Court is a "congested" court. For 2006, we ranked 9th in the Sixth Circuit and 87th in the country for "Median Time from Case Filing to Case Disposition" for felony criminal cases. For 2007, the rankings were 8th in the Sixth Circuit and 85th nationally. Civil case dispositions had similar results. In 2006, our Court ranked 5th in the Sixth Circuit and 76th nationally, and in 2007 the ranking fell to 8th in the Sixth Circuit and 82nd nationally.

The Court is examining steps that can be taken to reduce court congestion. A major factor contributing to court congestion is the large number of criminal cases that go to trial, as well as a significant number of complex civil cases that have proceeded to trial over the last several years. Additionally, because of the large number of pro se filings which impact the efficient disposition of cases, the Court has implemented both analytical and reporting steps within the pro se staff to improve case disposition rates.

***REPORTS OF THE  
UNITED STATES BANKRUPTCY COURTS  
FOR THE SIXTH CIRCUIT***

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



*Honorable Joseph M. Scott, Jr.  
Chief Judge*

**TRAINING**

Since the last report, we trained another 169 attorneys and staff on the use of CM/ECF. The total number of attorneys and staff trained is now 2012. We also trained an additional 12 creditors on filing Proofs of Claim, Reaffirmation Agreements. The total number of creditors is now 205. The training is live and is held in our Lexington division training room. District Court has also used the training room on 91 occasions to give their District Court CM/ECF training.

Our trainer, Grace Dupree, Esq. made 4 trips to Washington, D.C. and participated in approximately 8 webex conferences, as a committee member involved in re-writing the Bankruptcy Court Work Center Descriptions. The entire staff of the court participated in a trial work measurement to help establish benchmarks, and, subsequently, in the actual work measurement.

**SECURITY**

For security purposes we have implemented Xyloc proximity devices that automatically lock and unlock user's and shared computers depending on whether an authorized device is within range of the computer or not. Our goal is to implement very strong passwords while eliminating the users' need to constantly input their password.

**VIDEO CONFERENCING**

We have implemented a Video Conferencing setup for our Judges in lieu of traveling to our divisional offices during winter storms. At this time of writing we have held court in two divisions and the results have been quite well received.

**JFINSYS**

A major initiative has been undertaken to replace the aging FINSYS (financial system) program used nationwide by Bankruptcy Courts for almost 20 years. The USBC-KYEB was recruited and is participating as a test court for the on-going JFINSYS project, which is currently under development by the AO and the USBC-EDVA.

**EMPLOYEE COMMUNITY  
INVOLVEMENT**

**Credit Abuse Resistance Education (CARE) Program** - Several attorneys at the U. S. Bankruptcy Court, Eastern District of Kentucky (KYEB), participate in the Credit Abuse Resistance Education program. This program was founded by Bankruptcy Judge John Ninfo - NY in 2003 and sends attorneys to local high schools to speak about credit cards, debt avoidance, and good money management skills. The program includes videos produced by and for high school-age students as well as a live presentation and question and answer session by the attorney.

In the past year, KYEB attorneys have donated dozens of hours to preparing and presenting these sessions at all local high schools. Our goal is to spread the CARE program throughout the Eastern District of Kentucky.

**Blood Drive** - In November 2006, we spearheaded a blood drive allowing all our commercial building tenants to participate in giving blood in a bloodmobile parked outside our building.

**Flu Shot Clinic** - On October 1, 2007, the Clerk's Office set up a Flu Shot Clinic in one of our courtrooms. Nurses from the local health department administered the flu shots. This is an annual event with invitations going to all employees who work in the federal building and the tenants of our building which include a 6<sup>th</sup> Circuit Court of Appeals Judge and staff and the U.S. Trustee and staff. Approximately 40 people received flu shots.

**Children's Advocacy Center of the Bluegrass** - The Children's Advocacy Center of the Bluegrass is a non-profit organization whose mission is to reduce the trauma experienced by sexually abused children (ranging in age from less than one year to 18 years) by providing services in a nurturing environment. The Center coordinates agencies involved in the investigation of child sexual abuse and provides education to professionals and the public about abuse. Forensic interviews, crisis counseling, medical exams, therapy and legal advice are rendered to the Center's clients without charge to the children or their non-offending family members.

On Thursday, December 13, 2007, the Center held its first ever – and hugely successful – holiday party for its kids receiving counseling. More than 80 children (clients of the Center and their siblings) plus their care givers were in attendance. In the weeks leading up to the party, several deputy clerks from the U. S. Bankruptcy Court for the Eastern District of Kentucky donated gifts and other items for the

event. Children that are clients of the Center were given one or more gifts from their self-prepared wish lists; each sibling was given a personalized and age appropriate goody bag. In addition, the children were able to “shop” from a large selection of donated items to provide a gift to their care givers.

In addition to these sponsored events, staff have volunteered and contributed to:

- ▶ Woodford County Food Pantry
- ▶ Woodford County Clothing Bank
- ▶ Woodford County Middle School
- ▶ Woodford County PTO
- ▶ Local Boy Scout Troop
- ▶ Florence Crittenton Home
- ▶ Harrison Elementary School
- ▶ Salvation Army
- ▶ God's Pantry
- ▶ Leadership in numerous churches

#### JUDGE

Our Chief Judge, Joseph M. Scott, Jr., has begun his term as the Sixth Circuit representative to the National Conference of Bankruptcy Judges (NCBJ).

#### CLERK

Our Clerk Jerry D. Truitt authored an article for the American Bankruptcy Institute (ABI) Journal and serves on the Board of Governors of the National Conference of Bankruptcy Clerks.

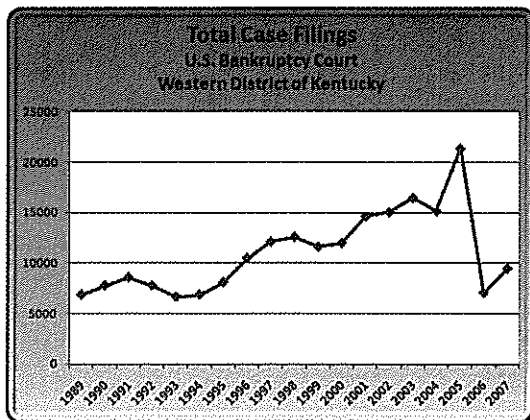
## UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF KENTUCKY



*Honorable Joan A. Lloyd  
Chief Judge*

### STATISTICS

As can be seen from the chart below the downward trend in case filings following BAPCPA in beginning to trend upward. Given the current state of the economy we anticipate the filings to continue to increase for the next year at least.



### PARTICIPATION IN ACTIVITIES THAT ENHANCE THE JUDICIARY

Judge David T. Stosberg continues to serve on the Judicial Conference Committee on the Administration of the Bankruptcy System. Judge Thomas H. Fulton has been appointed to the Bankruptcy Appellate Panel for the 6<sup>th</sup> Circuit. Judge Stosberg also served as a Visiting Judge in the Western District of Michigan, Eastern District of Kentucky and the Middle District of Tennessee.

The Clerk of Court, Diane S. Robl, currently serves on the CM/ECF Working Group with the Administrative Office.

### STRATEGIC PLANNING

The Bankruptcy Court for the Western District of Kentucky has taken a different approach to Strategic Planning by setting up a Bankruptcy Group made up of judges, attorneys and court staff. This Group is open to anyone interested in improving the practice of Bankruptcy Law in the Western District. Chief Judge Lloyd leads the Group. Meetings are held quarterly with subcommittees focused on specific issues reporting to the larger group. One of the subcommittees is an ongoing Local Rules Committee.

### CM/ECF

The Western District of Kentucky Bankruptcy Court has been operating on CM/ECF since August 15, 2002. At this time, approximately 99% of all filings are electronic and we are on version 3.1.7 with 3.2 expected in early summer.

### AESOP

(AN ELECTRONIC SIGNING ORDER PROGRAM)  
The Bankruptcy Court continues to use and develop AESOP. The program is being used by five courts throughout the nation.

### **LDRPS**

The Court has acquired Disaster Recovery software and is evaluating it for use by courts throughout the nation.

### **TELEWORK**

The Court is at the cutting edge of telework in that the Financial Manager for the Western District of Kentucky is located in Columbus, Ohio. We are the second court in the nation to have a financial manager teleworking. The experience is extremely helpful in preparing procedures for COOP and Pandemic Flu.

### **FJTN**

The Court has appeared on Court to Court in a segment examining the virtues of the new FJC Professional Education Institute (PEI) and is assisting other courts in adopting PEI for their courts.



**United States Bankruptcy Court  
Eastern District of Michigan**

*Honorable Steven W. Rhodes  
Chief Judge*

In 2006, the United States Bankruptcy Court for the Eastern District of Michigan became the highest filing district in the nation and remained so in 2007. In 2007, we had 34,587 bankruptcy filings. Our case filings per authorized judgeship - 6,760 - were also the highest in the country. In 2007, our adversary proceeding filings - 3,186 - were also the highest in the country. (By way of comparison, the next highest filing district, the Southern District of New York, had 2,224 adversary proceeding filings.) Our weighted case filings - 15,845 for the Court and 3,169 per authorized judgeship - are also the highest in the country. Based on our extraordinary caseload, we have requested and the Judicial Conference of the United States has approved three additional bankruptcy judgeships for our district. We await action from Congress on this need.

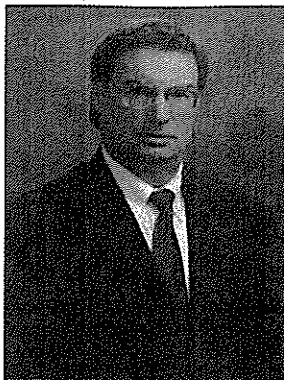
For over a year the Court has engaged in a process with the bar to amend our local rules, and this process has come to a successful conclusion. The district court approved our amended local rules, effective May 5, 2008. The Court would like to thank the district court, as well as the forty-eight members of the several bar committees that assisted in drafting the rules and the many members of the bar that provided comments during the public comment period. Their participation in the process was invaluable in improving the final version of the rules. The amended rules were required due to the 2005 amendments to the bankruptcy code and to the Court's previous implementation of electronic case filing. In addition, the Court adopted a series of local rules designed to facilitate and make uniform the processing of chapter 11 cases.

The Court has implemented an aggressive plan to improve the district's rate of discharges in chapter 13 cases. The plan includes a process to order taxing authorities to remit tax refunds directly to the chapter 13 trustee when required by the plan, and a process for electronic transfers of funds from the debtor's bank account when an employer pay order is not feasible.

In 2008, the undersigned and Bankruptcy Judge Marci McIvor were appointed to new four year terms on the Bankruptcy Appellate Panel.

Hon. Steven Rhodes  
Chief United States Bankruptcy Judge

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



*Honorable James D. Gregg  
Chief Judge*

**CASE FILINGS**

During the calendar year 2007, 10,389 bankruptcy cases were filed in the United States Bankruptcy Court for the Western District of Michigan. This is a 42% increase over calendar year 2006 when 7,276 cases were filed. We continue to hold court in five cities: Grand Rapids, Kalamazoo, Lansing, Traverse City and Marquette, Michigan. During 2007, total cases and adversary proceedings per city were: Grand Rapids - 3,841; Kalamazoo - 3,095; Lansing - 1,649; Traverse City - 957; and Marquette - 618. Traveling to and holding court in the satellite court locations remains a challenging and time-consuming task for the three bankruptcy judges in our district.

**CLERK'S OFFICE AND  
COURT PERSONNEL**

We currently have forty-one employees in the Clerk's office and six employees who work in the judge's chambers. Because of the reduced cases resulting from passage of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"), our work units for budgeting purposes decreased from 54.8 to 41.7. Because of the current economic conditions, we anticipate that case filings will increase during the next year.

Our Clerk of the Court, Daniel LaVille, is currently serving on the Bankruptcy Clerks' Advisory Group at the Administrative Office of the United States Courts. He reports that a new work measurement formula is being developed for the bankruptcy court for fiscal year 2009.

Our local bankruptcy rules were revised and became effective on February 1, 2007. We have required mandatory electronic case filing since January 1, 2005. During the past year, we have had approximately 17,200 "log-ons" to PACER from the general public users (excluding trustees) which resulted in fees generated in excess of \$309,000. During 2007, we have reorganized our financial department and hired another person in our automation department due to increased work loads. We shall likely be required to hire another automation employee in the near future as well.

**SPACE AND FACILITIES**

Approximately three years ago, our leased space in downtown Grand Rapids was completed. This new space alleviated our previously seriously overcrowded facilities in the Gerald R. Ford Federal Building. Our Grand Rapids space remains excellent.

We have recently upgraded a previously unfinished room, at the satellite facility in Kalamazoo, using our local funds, to use as a judge's chambers. Our prior chambers space was relinquished to the district court for use by Senior Judge Enslin. We also share our courtroom with him. We believe that sharing the bankruptcy space in Kalamazoo has been successful for both courts.

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

#### **BANKRUPTCY JUDGES**

JoAnn C. Stevenson retired on October 2, 2007 after serving more than nineteen years on the bench. The Bankruptcy Section of the Federal Bar Association hosted a retirement dinner for her which was very-well attended.

Scott W. Dales was appointed by the Sixth Circuit Court of Appeals to succeed Judge Stevenson. His investiture ceremony took place at the bankruptcy court on October 5, 2007. Judge Dales lives in Kalamazoo with his wife and three sons. He currently holds court in Grand Rapids and Lansing.

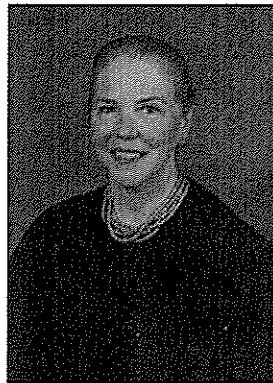
Judge Jeffrey R. Hughes is currently holding court in Grand Rapids, Kalamazoo and Marquette, Michigan.

James D. Gregg was reappointed for a second term (in this instance for three years) as Chief Judge after Judge Stevenson's retirement. He has also completed his four year term on the Sixth Circuit Bankruptcy Appellate Panel but will continue to serve during 2008 on a *pro tem* basis. He currently holds court in Grand Rapids, Kalamazoo and Traverse City, Michigan.

With great sadness, we regret to report that Judge Marvin Heitman, formerly a part-time bankruptcy judge in Marquette, Michigan, passed away on September 26, 2007. On a personal note, I had the pleasure of appearing before him in two large chapter 11 cases. He was an excellent judge who was well-prepared and very courteous to all attorneys who appeared before him.



## UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF OHIO



*Honorable Marilyn Shea-Stonum  
Chief Judge*

The United States Bankruptcy Court for the Northern District of Ohio continues to be one of the busiest courts in the nation.

### **JUDICIARY**

Our district is served by a full complement of judicial officers (8). Notwithstanding, the weighted caseload report reflects a need for additional judgeships. The Judges serving in 2007 are listed by the city in which they serve: Honorable Marilyn Shea-Stonum, Chief Judge, Akron; Honorable Richard L. Speer, Toledo; Honorable Randolph Baxter, Cleveland; Honorable Pat E. Morgenstern-Clarren, Cleveland; Honorable Russ Kendig, Canton; Honorable Mary Ann Whipple, Toledo; Honorable Arthur I. Harris, Cleveland; and Honorable Kay Woods, Youngstown.

Judge Randolph Baxter completed his second term as Chief Judge, following his reappointment by the United States District Court for the Northern District of Ohio in January 2006. His four-year period serving as Chief Judge ended January 2, 2008. Judge Marilyn Shea-Stonum was appointed to the position as Chief Judge by the United States District Court. Her two-year term commenced January 3, 2008.

Judge Mary Ann Whipple completed her four-year term on the Bankruptcy Appellate Panel for the Sixth Circuit that began January 1, 2004. She is succeeded on the BAP by Judge Marilyn Shea-Stonum, who was appointed to a four-year term commencing January 1, 2008.

On December 5, 2007 Judge Randolph Baxter and his wife, Yvonne, again became proud

grandparents, welcoming the arrival of triplets, Tyler, Mason and Ava.

### **CASELOAD DATA, STAFFING AND BUDGET**

There were 27,614 bankruptcy cases filed in calendar year (CY) 2007 in the Northern District of Ohio. This represents an increase of 45% over CY 2006. The breakdown by chapter includes 69% Chapter 7 cases and 30% Chapter 13 cases. Cases filed under Chapter 11 accounted for .2%. There was only one Chapter 12 case filed during this period. The latest filing statistics from the Administrative Office of the U.S. Courts for the twelve months ending September 30, 2007, show the Northern District of Ohio ranking as the fifth busiest bankruptcy court nationally in terms of case filings.

The clerk's office operated with a staff of 100 and operated at 66% of the fiscal year (FY) 2007 staffing formula. Currently 4,690 attorneys and 1,169 creditors are registered to file documents electronically on the Court's Case Management/Electronic Case Filing (CM/ECF) system. Court staff currently docket only 27% of all docket events, while 23% of the entries are auto-docketed. Attorneys file 33% of all documents, trustees file an additional 16%, and self-filed creditors' claims account for the final 1%. Ninety percent of all claims are filed electronically. CM/ECF contains more than 38,000 open cases, almost a half-million closed cases and over eighteen million documents taking up almost a terabyte of disk space that includes documents dating back to 1990.

The Court operated on a budget of \$6.9 million and collected revenue of \$11.3 million in FY 2007. The Court also processed \$746,144 in unclaimed monies resulting from claimants' initial failure to negotiate trustees' distribution from bankruptcy estates. Previously unclaimed funds in the amount of \$645,378, which includes prior year amounts, was redistributed to claimants throughout the

fiscal year. At the end of FY 2007, the Court returned \$900,000 of budgeted, but unspent funds to the Administrative Office of the U.S. Courts.

The Court continues to emphasize training of its employees to maintain their skill, knowledge and abilities in a high-paced and very technologically challenging environment. Staff received 3,150 training hours, doubling the required individual training requirements. One of our case administrators became the first bankruptcy clerk in the country to complete the Judicial Administration Certificate Program at the Michigan State University Judicial Administration Program, a program initiated through the efforts of the National Conference of Bankruptcy Clerks and the Federal Court Clerks' Association.

### **SPACE AND FACILITIES**

The Judges are located in five different court locations in Akron, Canton, Cleveland, Toledo and Youngstown. District-wide construction projects have focused significant attention on the overall improvement of facilities in which the Court operates. The lease-construct project in Canton that is now slated to be completed in 2010 will create a new court facility that will meet the requirements of the U.S. Court Design Guide as well as the current courtroom technology requirements. The GSA's Design Excellence process continues and will involve the Honorable Russ Kendig in the selection of a design/build team for the new federal complex in which the Bankruptcy Court will be in a stand-alone building. This facility will create new space for the Information Technology staff as well as the CM/ECF servers, and house this critical equipment in a facility that will meet the Court's requirements now and into the future. Planning for future renovations of the U.S. Courthouse and Custom House in Toledo will occur following the completion of the new U.S. District Court Courthouse expected to be built in the next several years.

### **STRATEGIC PLANNING**

Our Court has benefitted from strategic planning efforts since 1997. Plans are underway to refresh the strategic plan in 2008. The Court's Attorney Constituent Group, made up of representatives from the bankruptcy sections of the bar associations serving our 40-county area, will be assisting the Court in planning for the fifth biennial Bench-Bar Conference to be held in 2009.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO



*Honorable J. Vincent Aug, Jr.  
Chief Judge*

The Court's current judges are: J. Vincent Aug, Jr. (Chief), Jeffery P. Hopkins, and Burton Perlman (Recalled) – Cincinnati; Lawrence S. Walter and Guy R. Humphrey – Dayton; Charles M. Caldwell, John E. Hoffman and C. Kathryn Preston – Columbus.

Judge Donald E. Calhoun retired May 1, 2008, after numerous extensions of his recall status. The full time efforts of recalled Judges Perlman and Calhoun deserve special recognition for their contribution to the Court's mission.

During the past year Judge Thomas F. Waldron retired and Judge Guy R. Humphrey replaced him.

In December 2006 Michael Webb's retirement became effective and Kenneth Jordan replaced him as the Clerk of Court effective January 2007.

The Court is adjusting well to the advent of electronic filing and BAPCPA. After a drop off in filings, the dockets are now growing rapidly as Ohio sinks into a recession. Total bankruptcy filings for the twelve months ending December 31, 2007 were 23,133; an increase of 35.7 percent over the total filings for calendar year 2006 of 17,046.

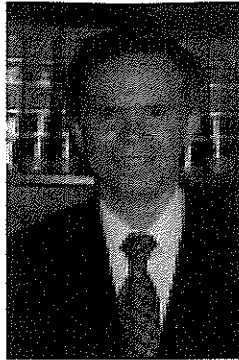
The Court has also continued its strong relationship with the bar, including its Bench-Bar Conference. The most recent one was held on April 9, 2008 focusing on issues of consistency and uniformity of practice and procedure within the three major cities.

It is anticipated that Judge Caldwell will become Chief Judge early this summer.

There is other significant Court information at our website

Respectfully submitted,  
J. Vincent Aug, Jr., Chief Judge

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



*Honorable John C. Cook  
Chief Judge*

The Bankruptcy Court for the Eastern District of Tennessee serves 41 counties and is comprised of staffed offices in Chattanooga, Knoxville, and Greeneville, and an unstaffed office in Winchester. Four bankruptcy judges, John C. Cook, Chief Judge in Chattanooga; Richard S. Stair, Jr., in Knoxville; Marcia P. Parsons in Greeneville; and R. Thomas Stinnett in Chattanooga, serve the district. Judge Parsons was reappointed to a second 14-year term at a ceremony on November 9, 2007. Danny W. Armstrong, Clerk of Court, resides in Knoxville and manages the three Clerk's Offices. The court makes the following report:

**CASE FILINGS**

After a record filing year in 2005, case filings declined significantly following the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. In 2006, chapter 7 filings were down approximately 73%, chapter 11 filings were down approximately 35%, and chapter 13 filings were down approximately 23% for a total reduction of approximately 59%, with a year-end total of 9,070 cases filed.

In 2007, case filings began to rebound and were up approximately 35% for a year-end

total of 12,261 cases filed. Chapter 7 cases accounted for the largest gains, increasing by 36%. So far in 2008, the upward trend in filings is continuing.

**PERSONNEL**

The court had three retirements since the last report, one in 2006 and two in 2007. Because of budget constraints, reduced filings, and a staffing level that exceeded 100%, the Clerk was forced to make some personnel reductions in FY 2007. Three staff members opted to take a buyout (two in FY 2006 and one in FY 2007) and an additional eleven were involuntarily separated in FY 2007. The Clerk's Office currently has 46 staff on board with one anticipated retirement later this year.

A new *Employee Recognition Program* was issued in 2006 and amended in 2007. As a result, the court has held annual Award Ceremonies the last two years.

Other new policies and programs were instituted to help staff deal with a variety of needs:

- ▶ An on-line leave management program became operational in 2006, reducing



paperwork and workload on supervisors and managers.

- ▶ A new *Performance Evaluation Policy* was written to aid supervisors and managers in communicating job performance to the staff by providing a uniform standard to be used throughout the district.
- ▶ An *Inclement Weather Policy* was written to establish expectations for staff in the event that weather causes travel to be dangerous or a courthouse to close.
- ▶ A *Telework Policy* was implemented to cover off-site work procedures.
- ▶ A *Remote Data Entry* program was implemented using a *Human Resources Management Information System* to perform all personnel actions.

#### **OPERATIONS**

The Court is currently operating on CM/ECF Version 3.1.7. There are 2,385 registered users. The Court amended the *Administrative Procedures for Electronic Case Filing* on March 1, 2007, to accommodate changes in the CM/ECF system.

The Clerk's Office staff developed and published a comprehensive *CM/ECF Procedural Manual* which encompasses all aspects of case management.

The Court sent staff to training for the *Adobe Captivate* program which is used to produce instructional video clips that are placed on the Court's Internet Web site. These short clips provide specific guidance on programs to help attorneys understand technology changes.

The Deputies-in-Charge of the three divisional offices attended the CM/ECF Operations Forum in Orlando in August 2007, which provided great insight into how other courts are conducting business.

#### **FINANCIAL**

During May 2006, a New Clerk's Financial Audit was conducted by the Office of Audit of the Administrative Office. The Court deposited \$3,205,537.37 into the U.S. Treasury in 2006 and \$4,594,144.75 in 2007.

#### **PROCUREMENT**

The Court established a new process for procurement actions, building a spending plan at the beginning of each fiscal year to aid in budgeting appropriated funds and managing any deficiencies. Procurement highlights include:

- ▶ The cyclical replacement of computers has continued and been enhanced to spread the procurement out evenly so that the IT department is not overwhelmed in any one year with deployment of new computers.
- ▶ New video conferencing equipment was purchased to enhance communications between the offices. This equipment is used several times each week for small and large meetings.
- ▶ The Court replaced its aging telephone systems in concert with the District Court and Probation. The Administrative Offices assisted with funding so the Court's expenditure was minimal. This system will serve the Court for many years to come.
- ▶ The Court's *Internal Control Manual* and *Court Unit Budget Organization Plan* were revised.

#### **INFORMATION TECHNOLOGY**

The IT department has been busy keeping up with the developing technology in our court. Highlights of their accomplishments include the following:

- ▶ Upgraded the Novell Servers in all three divisions allowing replication of data between offices as disaster recovery action.

- ▶ Installed new servers to accommodate
  - ▶ New leave management system
  - ▶ New inventory program
  - ▶ Ghost computer image server to create and store back-up images of the many personal computers used in the district
  - ▶ Upgraded Norton AntiVirus servers and clients
- ▶ Replaced all ethernet switches in the district.
- ▶ Procured and installed uninterrupted power supplies for all computers in the district.
- ▶ Installed and provided training for new telephone system.
- ▶ Converted CM/ECF operating system from Solaris to Linux.
- ▶ Numerous upgrades to the database used in CM/ECF.
- ▶ Seven upgrades to CM/ECF.
- ▶ Made over 450 dictionary changes to CM/ECF.
- ▶ Upgraded the Lotus Notes clients.
- ▶ Introduced and upgraded Sametime instant messaging to the district.

### TRAINING

Training is a new area for the Court. During the period covered by this report the following training activities were conducted:

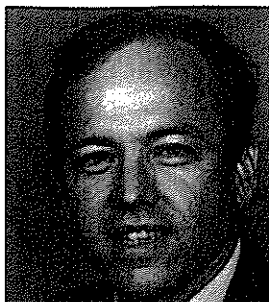
- ▶ The district established an annual training retreat to bring all staff together for consolidated training.
  - ▶ The 2006 retreat focused on interpersonal communications and used the Meyers-Briggs Type Indicator as a tool for the training. An outside consultant presented the instruments and training on interpretation and use of the instruments.
  - ▶ The 2007 retreat focused on office function and was presented by the Federal Judicial Center. Staff input was solicited on ways to improve the office

environment and office efficiency.

- ▶ A Training Council was established to write a strategic training plan and offer advice to the Clerk on training issues.
  - ▶ Staff were asked to assess training needs to provide the Training Council with ideas on where to use time and resources.
- ▶ Classes were held in:
  - ▶ Resume Writing and Interview Skills Workshop – developed in-house to aid staff affected by the downsizing.
  - ▶ Employee Assistance Program seminar – introduced staff to the Employee Assistance Program’s counseling benefits.
  - ▶ Pandemic Flu seminar – educated staff on the dangers of flu and methods to reduce the spread at work and home.

John C. Cook  
 Chief Bankruptcy Judge  
 Eastern District of Tennessee

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



*Honorable George C. Paine II  
Chief Judge*

The bankruptcy court for the Middle District of Tennessee lost a stalwart employee when its clerk, Sonny Ray, announced his retirement effective March 31, 2008. Sonny spent 20 years with the court after a distinguished career in the U.S. Army. As a graduate of the U.S. Military Academy at West Point, he was decorated during two combat tours in Vietnam where he served as an Infantry commander. He was the court's first professional administrator and computer expert and was selected as the Administrative Office's recipient of the 1998 Director's Award of Outstanding Leadership.

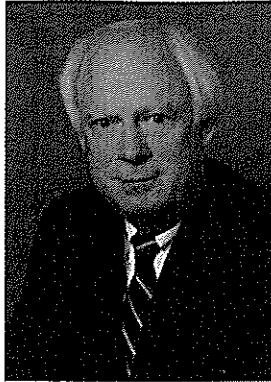
After a nationwide search, the court chose its Chief Deputy, Matt Loughney, to replace Sonny. Matt had served as Chief Deputy for two and a half years subsequent to his previous employment as law clerk to the Judge L. Edward Friend, II of the U.S. Bankruptcy Court for the Northern District of West Virginia. He is a graduate of Virginia Tech and an Air Force veteran who attended West Virginia University Law School. Since leaving active service, he has continued to serve in the USAF Reserve JAG Corp. And currently holds the rank of Major.

A festive retirement party was held on March 31, 2008 with a large number of the federal and state bench and bar attending the event in the bankruptcy court ceremonial courtroom.

In addition to traditional gifts from the judges, clerk's office, and bar, Sonny received two handsome vintage Nashville posters from the clerks of the Sixth Circuit.

This August Judge Keith M. Lundin will be publishing his nationally acclaimed seven volume Chapter 13 Bankruptcy Treatise on the internet under the title of Ch13online.com. Former Judge William Houston Brown (WDTN) has joined him as a co-editor in this effort.

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



*Honorable David S. Kennedy  
Chief Judge*

The Western District of Tennessee reports that 17,259 cases were filed during CY 2007. (CY 2006 resulted in 14,252 cases being filed in this District.)

Judge Paulette J. Delk fka "Professor Delk" is back in the University of Memphis Law School classroom serving, this time, as an Adjunct Professor. (The Law School will NOT cut her classroom teaching strings!)

The Bankruptcy Court and the University of Memphis Law School are engaged in another semester utilizing a "Bankruptcy Extern" program. Four law students have been assigned this semester at the Bankruptcy Court; the students each earn 2 hours of semester credit.

Judge Jennie D. Latta's eldest son Robert was commissioned a Second Lieutenant in the United States Marine Corps on August 30, 2007.

The Bankruptcy Court for TN-(W) strongly endorses the Credit Abuse Resistance Education (C.A.R.E.) Program, an innovative, effective and free financial literacy initiative that utilizes experienced volunteer speakers from the bankruptcy community including judges, trustees, and private attorneys who are

available to high school educators to assist them to teach students the important lessons, tactics and techniques that are needed to use consumer credit wisely and to avoid credit card debt problems and the many related consequences they may face if they don't. The concept was originated by Judge Ninfo of the United States Bankruptcy Court for the Western District of New York. Over the past two years, Ms. Kelley Rousseau, a Deputy Court Clerk with the United States Bankruptcy Court for the Western District of Tennessee has led the local effort to implement the two-day program in area schools. In 2007, the local bankruptcy court C.A.R.E. program reached over 18 schools, both public and private. Ms. Rousseau and the volunteer speakers are positively touching a lot of local individuals.

***JUDICIAL PERSONNEL  
IN THE SIXTH CIRCUIT***

***MEMORIAL  
RESOLUTIONS***

## THE HONORABLE JOHN M. MANOS 1922 - 2006

Judge John M. Manos loved to regale audiences with the accomplishments of the ancient Greeks. Without resort to notes or aides, he would wax eloquent regarding the great contributions Greek civilization made to society and, critically, to the law. He took great pleasure in pointing out that the most important and sustaining aspects of our legal system- -including the jury system itself - - were products of the Greek philosophers and the civilization they inspired.

Listening to John on the topic, one was left with no doubt about either his reverence for the ancient Greeks or his pride in claiming them as his ancestors; he was often heard to say he was "privileged to stand on the shoulders of Plato, Socrates and Aristotle." Knowing John and witnessing his career, one also has no doubt that those ancient Greeks would have been just as proud to claim him as their own. His contributions to the law, the bench and his community ably carried on the great traditions he so loved to herald.

Judge Manos was once quoted as saying, "I want to be remembered as a fair and impartial judge who worked hard and was prepared for every case." When Judge Manos passed away after forty-three years on the bench, he got his wish and much more. Yes, he is remembered as a fair, impartial, hardworking and thoroughly prepared jurist, but he is also fondly remembered as a dedicated family man, mentor, community activist, leader in his church, political strategist, great intellect and dear friend to many. He is sorely missed.

John Manos was the son of Greek immigrants, born December 8, 1922, in the modest Tremont neighborhood of Cleveland - - a neighborhood he could view many years later from the windows of his sixteenth-floor chambers in the new Cleveland Courthouse. He graduated from Lincoln High School in Cleveland and, with the benefit of a full scholarship, attended the Case School of Applied Science. There, he was captain and quarterback of the football team and earned a degree in metallurgical engineering. He graduated from Case in 1944 and then served in the United States Navy.

After returning from the Navy, Judge Manos began working as a metallurgical engineer, while taking night classes at Cleveland Marshall Law School, and beginning a family with his wife, Viola. He graduated from Cleveland Marshall in 1950, already enamored with the law. After practicing for thirteen years, including a stint as law director of Bay Village during the famed Sam Shepard trial, Ohio Governor James Rhodes selected him to fill a vacancy on the Cuyahoga County Common Pleas Court. In 1969, Judge Manos was appointed to the Ohio Court of Appeals, where he served until 1976.

In 1976, President Gerald Ford appointed Judge Manos to the United States District Court for the Northern District of Ohio, where he served with distinction for over thirty years. Judge Manos loved all aspects of being on the bench, and threw himself into his work with unequaled gusto. His goal was always to be more prepared than the litigants before him - - on the facts, the law and the rules - - a goal most would agree he satisfied. He handled both high profile and obscure cases with the same passion, and prided himself on being fair to everyone who crossed the threshold of his courtroom. Judge Manos' well-deserved reputation as a great jurist did not come by chance or luck, it was the product of dedication, hard work and commitment to the task.

Though Judge Manos fought a number of illnesses in his final years, his dedication to his office and work remained unimpaired: he held proceedings from his hospital bed, met with law clerks only hours after surgeries and held rehabilitation sessions in his chambers to limit the downtime caused by his recovery. Though his body tried to slow him down, he refused to let his mind give in to the temptation to do so.

While it is true that Judge Manos also earned a reputation for toughness and a brash demeanor -- and that his bald pate, booming voice and large, black-rimmed glasses accentuating his steady gaze struck fear into the hearts of many a young lawyer over the years -- the real John Manos was incredibly kind and soft-hearted. He went out of his way to assist others -- devoting countless hours to the Greek Orthodox Church, helping to create a scholarship fund for Greek students aspiring to college, teaching law students through an elaborate internship program he designed himself, mentoring young lawyers, and offering much-needed advice and assistance to his new colleagues on the bench. No one who sought his help or advice was turned away.

Although Judge Manos accomplished great things in his career and for his community, and received awards too numerous to recount here, it was his family in which he took greatest pride. In addition to Viola, his wife of forty-four years whom he lost in 1989, John was happiest when with, or bragging about (as he often did), his four children -- Donna, Christine, Michael and Keith -- their respective spouses, and his twelve grandchildren. While he loved to talk about how much he "loved the law" and "loved the bench," it was his family -- including his brother Eli -- whom John loved the most.

John M. Manos lived by the creed written many years ago by another American of Greek parentage, Dean Alfange:

I do not choose to be a common man  
It is my right to be uncommon...  
If I can. I seek opportunity...Not security.

\*\*\*\*\*

It is my heritage to stand erect,  
proud, and unafraid; to think and act for  
myself; enjoy the benefits of my  
creations; and to face the world boldly  
and say, "this I have done with my own hand,  
I am a man. I am an American."

Even the most casual observer of Judge Manos saw instantly that he was uncommon. Every day of his life, he stood erect and proud; he fearlessly thought and acted for himself; he gloried in his ability to use his prodigious intellect to the benefit of the law that he so loved. And he gloried in being an American. He was not merely uncommon. He was unique.

Judge Manos' family lost their patriarch, the federal bench lost an icon and we all lost a dear friend on July 5, 2006, when this modern-day Greek philosopher held court for the final time.

Respectfully submitted,

Alice Batchelder, United States Circuit Judge, Sixth Circuit Court of Appeals  
James G. Carr, Chief United States District Judge, Northern District of Ohio  
Kathleen M. O'Malley, United States District Judge, Northern District of Ohio



## THE HONORABLE DOUGLAS W. HILLMAN 1922 - 2007

On February 1, 2007, Judge Douglas W. Hillman died, following a long illness. The judges of this court join with the practicing bar to mourn the loss of one of the giants of our legal community.

Douglass Woodruff Hillman was born in Grand Rapids, Michigan in 1922. He graduated from Central High School in 1941 and married his wife, Sally, in 1944. Judge Hillman interrupted his undergraduate studies at the University of Michigan to join the Army Air Corps during World War II, serving with distinction as a bomber pilot in the European Theatre, for which he received the Distinguished Flying Cross and the Air Medal at the age of 23.

Judge Hillman completed his undergraduate education in 1946 and his legal education in 1948, graduating from the University of Michigan Law School. He entered private practice in Grand Rapids, where he devoted thirty years to a distinguished career as a trial lawyer. During his years as a practicing lawyer, Judge Hillman served as President of the Grand Rapids Bar Association and was named a Fellow of the American College of Trial Lawyers, the International Academy of Trial Lawyers, and the International Society of Barristers. He was active in improving the trial skills of younger lawyers, serving on the faculty of the Institute for Trial Advocacy (NITA) and the Advocacy Institute of the Institute for Continuing Legal Education (ICLE) in Ann Arbor, Michigan.

Judge Hillman was appointed as a district judge by President Jimmy Carter. He took office on September 28, 1979. Judge Hillman became Chief Judge of the Western District of Michigan in April of 1986. He served in this position until February 15, 1991, at which time he took Senior Status. Judge Hillman continued to hear civil cases in his home district, while generously serving other districts and circuits by designation, until his retirement in 2002.

Judge Hillman's legal writings disclose a deep attachment to the rule of law and to the protections of the Bill of Rights. Among his major decisions were *Michigan State Chamber of Commerce v. Austin*, 642 F. Supp. 397 (W.D. Mich. 1986), *aff'd sub nom. Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990), a First Amendment case; *United States v. Lewis*, 644 F. Supp. 1391 (W.D. Mich. 1986), *aff'd sub nom. United States v. King*, 840 F.2d 1276 (6th Cir.), *cert. denied*, 488 U.S. 894 (1988), a criminal prosecution for slavery. In addition, Judge Hillman issued countless opinions in a multi-district school desegregation case, ranging from the imposition of a remedy in 1981, *see Berry v. School Dist. of City of Benton Harbor*, 515 F. Supp. 344 (W.D. Mich. 1981), through hearings on final status and dismissal on April 4, 2002.

From the vantage point of the practicing bar, Judge Hillman's tenure in office was marked by civility and good relations between the bench and bar. He never forgot what it means to practice law. Everyone, lawyer and litigant alike, who entered his courtroom was treated with courtesy and respect. The community's and practicing bar's high regard for Judge Hillman was reflected in the numerous awards and recognitions he received, including the ACLU Annual Civil Liberties Award 1970; Hon. Raymond W. Fox Advocacy Award 1981; State Bar of Michigan's prestigious Champion of Justice Award 1990; Distinguished Alumni Award, Central High School, Grand Rapids 1990; Service to Profession Award, Federal Bar Association, Western Michigan Chapter 1991; Professional and Community Service Award, Young Lawyers Section, State Bar of Michigan 1996; his designation by Michigan Layer's Weekly as one of Michigan's "25 Most Respected Judges"; induction into the Grand Rapids Magazine Medical Hall of Fame 2001; receipt of the Grand Rapids Bar Association's

Donald R. Worsfold Distinguished Service Award in 2002 and the State Bar of Michigan's Frank J. Kelley Distinguished Public Servant Award in 2006.

Judge Hillman's love of the law and of his country led him to serve in numerous capacities to improve justice and to benefit the local and national communities. Of his many and varied accomplishments, Judge Hillman will be most remembered for his work in improving the level of trial advocacy. In 1981, Judge Hillman proposed to the court a unique trial advocacy program for young federal court practitioners. As envisioned by Judge Hillman, the program would involve the cooperation of the federal judiciary, and the organized bar. The result was the first Trial Skills Workshop, held in January of 1982 in the federal courtrooms in Grand Rapids.

Under Judge Hillman's constant guidance and leadership, the workshop evolved and improved in ensuing years, but it never lost its essential mission of improving the trial skills of federal practitioners. In January of 1991, in honor of Judge Hillman's devotion to the program for over a decade, the Federal Bar Association Chapter announced the renaming of the workshop to the "Hillman Advocacy Program." In January of 2006, the Hillman Advocacy Program celebrated its twenty-fifth anniversary and the training of over 2,000 young lawyers.

THEREFORE, BE IT RESOLVED that the Sixty-Seventh Judicial Conference of the Sixth Circuit, in session at Asheville, North Carolina, this 9<sup>th</sup> day of May, 2007, pays tribute to the memory of United States District Judge Douglas W. Hillman, who served the Nation and the Western District of Michigan faithfully and well; and

BE IT FURTHER RESOLVED that a copy of this resolution be preserved upon the records of this Conference and that a copy be forwarded to Judge Hillman's wife as a testament to the esteem in which he was held by the members of this Conference and as an expression of our sympathy.

Respectfully submitted,

Robert Holmes Bell, Chief United States District Judge, Western District of Michigan  
Richard A. Enslin, United States District Judge, Western District of Michigan  
Joseph G. Scoville, United States Magistrate Judge, Western District of Michigan

## **THE HONORABLE GEORGE E. WOODS**

### **1923 - 2007**

George Edward Woods retired from the Federal District Court on August 13, 2004, culminating a fifty-five year distinguished legal career. He died on October 9, 2007 at the age of eighty-three. Judge Woods was born in Cleveland, Ohio on October 10, 1923 to George E. and Vera C. (St. Johns) Woods.

In 1943, Judge Woods interrupted his undergraduate studies to join the United States Army, where he served his tour of duty in the Pacific theater. In 1946, he returned to Ohio Northern University to complete his college degree. In 1949, he received his law degree from Detroit College of Law.

After passing the Michigan Bar in 1949, Judge Woods opened a private law practice in Pontiac, Michigan and for a brief period served as Assistant Prosecutor for Oakland County, Michigan while maintaining his law practice. In 1953, he practiced law with the firm of Underwood, Woods & Pratt. His experience and trial skills led to his successful career in the Office of the United States Attorney for the Eastern District of Michigan, where he served as Chief Assistant from 1953 until 1960, when he was appointed U.S. Attorney for the Eastern District of Michigan.

In 1961, Judge Woods returned to private practice as a criminal trial attorney. After handling many high profile cases, he was appointed as a bankruptcy judge for the Eastern District of Michigan in 1981. President Ronald Reagan elevated Judge Woods to United States Judge of the Eastern District of Michigan on November 16, 1983. He took senior status on that bench in 1993.

Judge Woods' natural leadership was reflected in his participation in professional and community organizations. He held memberships in the American Bar Association, the Detroit Metropolitan Bar Association, the State Bar of Michigan and the American Judicature Society. He served on the Committee for Revision of the Criminal Code (1965) and was a charter member of his local Federal Bar Association, serving as President of the Detroit Chapter (1968-69). He was elected a Fellow of the International Academy of Trial Lawyers (1968) and the American College of Trial Lawyers (1970). He was also a member of the Sigma Nu Phi Fraternity.

Judge Woods' devotion to the legal system was surpassed only by his unflinching devotion to his wife, family and good friends. He is survived by Janice (Jay), his wife of thirty-three years, his children, Lindsay E. Woods, George E. Woods, III (deceased), Lisa Ann Palazzolo and Amy Lou Horst and his grandchildren, Shirley, Elizabeth, Brian, Matthew, Christy, Rob, Matthew H., Ellen, Max and Drew and his great-grandchild Teagan.

A true Renaissance man, Judge Woods enjoyed collecting art, especially antique silhouettes, attending plays and reading. He donated many of his books to the Eastern District of Michigan's library.

Judge Woods eschewed partisanship. He was always forthright with his opinions. His colleagues and the litigants appearing before him always knew his position. He alternated using humor and sternness to take command of his docket. He loved his job and had an abiding respect for the judiciary as an institution, as reflected in the statement he would make when welcoming every new colleague: "You now have the best job in the world."

Judge Woods will be remembered fondly by those who practiced before him, his friends and fellow judges.

Respectfully submitted,

Gerald E. Rosen, United States District Judge, Eastern District of Michigan  
Lawrence P. Zatkoff, United States District Judge, Eastern District of Michigan  
Patrick J. Duggan, United States District Judge, Eastern District of Michigan

## **THE HONORABLE JAMES H. JARVIS**

### **1937 - 2007**

The Honorable James H. Jarvis II was born February 28, 1937 in Knoxville, Tennessee, the son of a well-respected trial attorney, Howard F. Jarvis, and his wife, Eleanor B. Jarvis. He followed his father into the law and received his J.D. from the University of Tennessee College of Law in 1960. From 1960 to 1972 he was engaged in private practice, where he was a skillfull and well-respected trial attorney.

In 1972 he was appointed judge of the Law and Equity Court for Blount County, Tennessee. In 1977 he was elected judge of the 30th Judicial Circuit Court for Blount County. On October 12, 1984, President Ronald Reagan appointed him United States District Judge for the Eastern District of Tennessee where he served until his death on June 6, 2007, following a courageous battle with lung cancer.

On the bench he was a dedicated and highly respected jurist. Judge Jarvis had the sharpest of legal intellects, but without the slightest hint of pretension. The many decisions he rendered in his 35 years on the bench demonstrated that he possessed no personal agenda; rather, his only agenda was to decide the case before him justly and in accordance with the appropriate legal precedents. He was blessed with what can only be described as an uncommon amount of common sense. That gift gave him the ability to discern that fine line between law and equity, a line that sometimes only the finest of trial judges can see clearly. He always sought justice, but understood the role that compassion plays in justice.

Judge Jarvis never forgot what it was like to be a trial lawyer and treated all lawyers who appeared before him with great respect. Because of his consistent congeniality virtually all the lawyers who appeared before him considered it a pleasure. He was admired and respected tremendously by the bar. In 2002 he was awarded the Knoxville Bar Association First Judicial Excellence Award. In 2004 he was honored as Trial Judge of the Year by the American Board of Trial Advocates. While on the State bench, he was a member of the Executive Committee of the Tennessee Trial Judges Association and the Tennessee Judicial Conference, where he served as president from 1983-1984.

One of Judge Jarvis's most visible accomplishments occurred in 1995 while he was Chief Judge when he spearheaded the acquisition of the Whittle Communications Complex on Main Avenue as the Howard H. Baker Jr. United States Courthouse. Countless hours of work were required to convince government officials of the practicality of this venture, and it was by his unwavering belief in this project and his dedication to it that the building was acquired by the government and the courthouse became a reality. The United States District Court and its affiliated agencies are now housed in this beautiful space which won the Office Building of the Year (TOBY) Award in the government office building category at both the regional and national/international levels in 2003. The acquisition of this property and its ultimate use by the court could not possibly have been accomplished without Judge Jarvis's vision, determination, and persistence.

Judge Jarvis was a member of the Board of Advisors of the University of Tennessee College of Law (Speakers Series), a past member of the Board of Directors of Maryville College, Maryville, Tennessee, past member of the Board of Detoxification Rehabilitation Institute of Knoxville, and past members of the Board of the Metropolitan Knoxville YMCA.

Judge Jarvis was married to Gail Stone Jarvis. He has five children, James H. Jarvis III, Leslie Pryor, Ann Pruitt, Kathryn Jarvis and Louise Flynn, and five grandchildren.

NOW, THEREFORE, BE IT RESOLVED, by the 68<sup>th</sup> Annual Conference of the Federal Judges of the Sixth Circuit in Session Assembled in Chattanooga, Tennessee, on the 7<sup>th</sup> day of May, 2008, that a copy of this tribute and esteem and affection for Judge James H. Jarvis II be spread upon the records of this Conference and that copies be sent to his family as a mark of our deepest sympathy and respect.

Respectfully submitted,

Curtis L. Collier, Chief United States District Judge, Eastern District of Tennessee  
R. Leon Jordan, United States District Judge, Eastern District of Tennessee  
Thomas W. Phillips, United States District Judge, Eastern District of Tennessee