

THE JUDICIAL BUSINESS
OF THE
UNITED STATES COURT OF APPEALS
FOR THE
SIXTH CIRCUIT

ANNUAL CONFERENCE OF THE SIXTH JUDICIAL CIRCUIT
MAY 13-15, 1981

CHIEF JUDGE

GEORGE EDWARDS
Cincinnati, Ohio 45202

CIRCUIT JUDGES

PAUL C. WEICK
Akron, Ohio 44313

PIERCE LIVELY
Danville, Kentucky 40422

ALBERT J. ENGEL
Grand Rapids, Michigan 49502

DAMON J. KEITH
Detroit, Michigan 48226

GILBERT S. MERRITT
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BAILEY BROWN
Memphis, Tennessee 38112

CORNELIA G. KENNEDY
Detroit, Michigan 48226

BOYCE F. MARTIN, JR.
Louisville, Kentucky 40202

NATHANIEL R. JONES
Cincinnati, Ohio 45202

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT
MICHIGAN-OHIO-KENTUCKY-TENNESSEE
Chambers of the Court
CINCINNATI, OHIO 45202

SENIOR JUDGES

LESTER L. CECIL
Dayton, Ohio 45402

HARRY PHILLIPS
Nashville, Tennessee 37203

ANTHONY J. CELEBREZZE
Cleveland, Ohio 44114

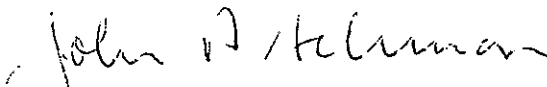
JOHN W. PECK
Cincinnati, Ohio 45202

REPORT ON THE BUSINESS OF THE
SIXTH CIRCUIT COURT OF APPEALS

To the Chief Judge of the Sixth Circuit, the Circuit and District Judges, Bankruptcy Judges, Magistrates, Members of the Bar of the Sixth Circuit and all interested persons:

The following Report is submitted at this Forty-Second Annual Conference of the Sixth Judicial Circuit of the United States, held May 13 through May 15, at Louisville, Kentucky.

Respectfully submitted,

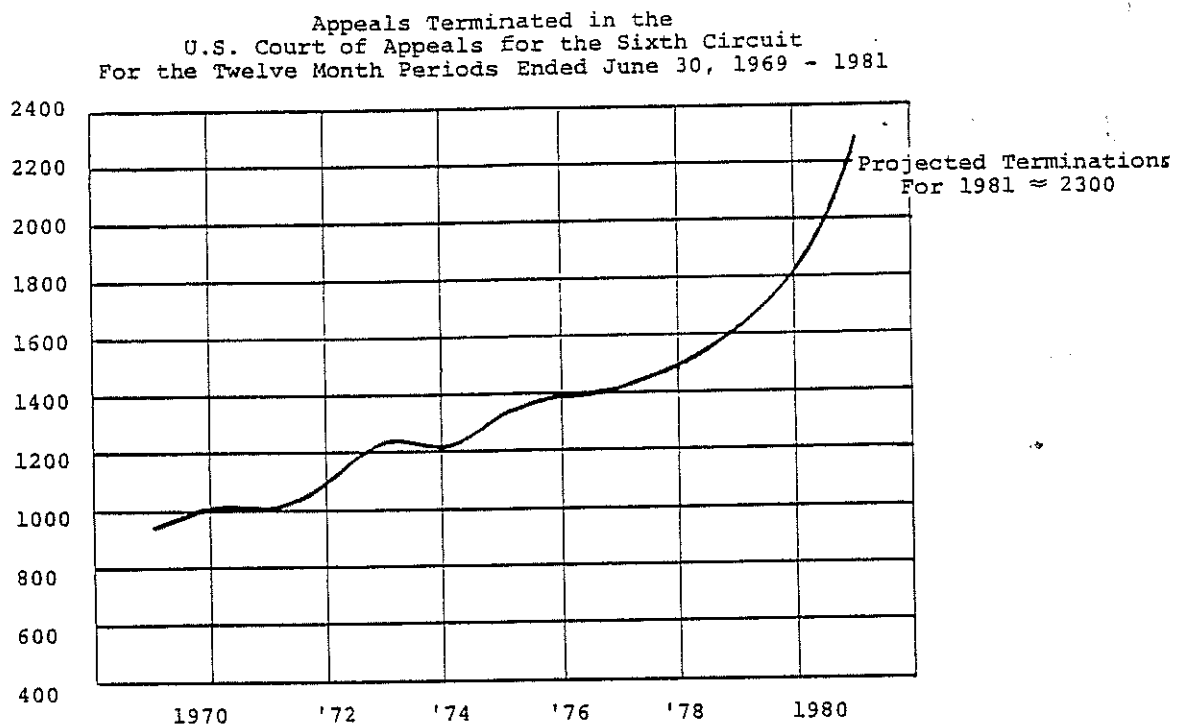


John P. Hehman
Clerk of the United States
Court of Appeals for the
Sixth Circuit



I. BUSINESS OF THE COURT OF APPEALS FOR THE SIXTH CIRCUIT

The United States Court of Appeals for the Sixth Circuit has witnessed a dramatic increase in terminations in the past year due to several considerations. The Court has increased dispositions by having a special term of hearings in July, August and September, by the addition of four new circuit judges in the late Fall of 1979 and, finally, as a result of concerted efforts in the Clerk's office to work with lawyers and court reporters as soon as the notice of appeal has been filed. As a consequence, terminations have increased 26% for the twelve-month period ending June 30, 1981 over the prior reporting period.



Comparison of our statistics with those of other circuits indicates that the Sixth Circuit issues its decisions very quickly after hearing or submission.

Median Time Intervals From Hearing or Submission to Final Disposition
 In the United States Courts of Appeals
 During the Twelve Month Period Ended June 30, 1980

Nature of Proceeding	Circuit										
	D.C.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Civil	1.8	1.9	.5	.3	1.8	2.0	.5	1.7	1.3	2.4	1.6
Criminal	2.1	2.5	.1	.2	1.9	2.3	.7	1.6	1.6	1.8	2.6
Administrative Agency	2.5	2.6	2.0	.4	1.8	2.6	.5	1.9	1.7	2.1	5.9
Bankruptcy	14.2	1.4	.2	.0	-	2.1	.5	4.5	1.5	1.8	3.4
ALL CASES	2.1	2.1	.3	.3	1.8	2.1	.5	1.8	1.5	2.1	2.0

(Time intervals are given in months.)

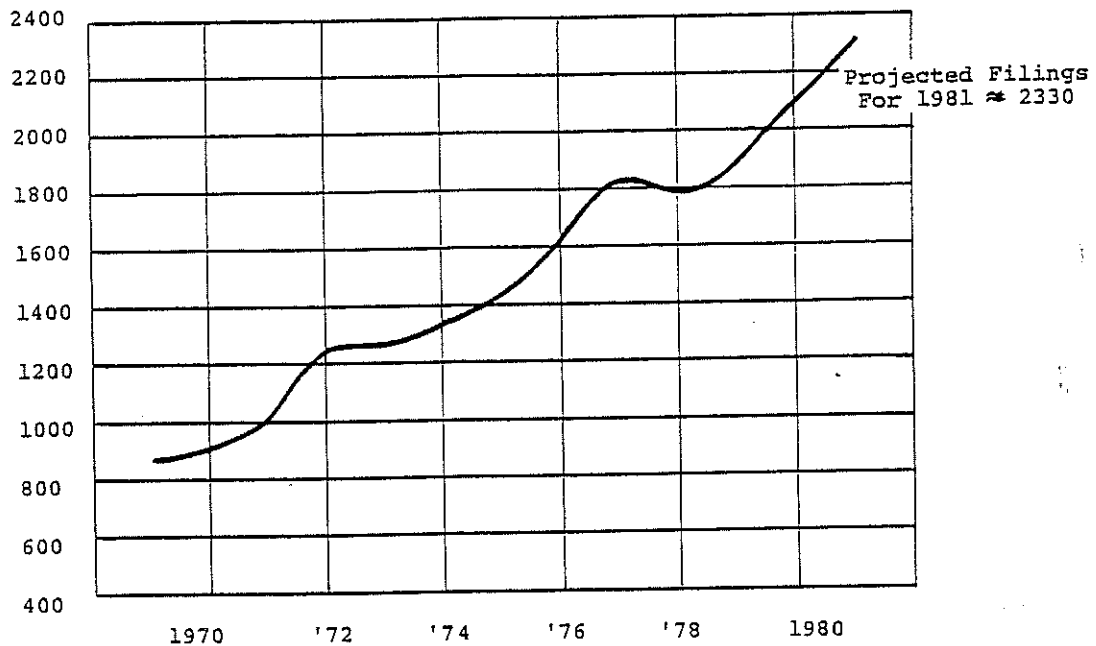
Cases Under Submission More Than Three Months
 As of June 30, 1980

Circuit	Total	Months Under Submission			
		3 - 6	6 - 9	9 - 12	over 12
Third	6	5	1	-	-
First	9	7	-	2	-
Eighth	26	24	2	-	-
Second	34	25	8	1	-
Sixth	47	22	23	-	2
Seventh	54	30	14	2	8
Fourth	57	44	10	1	2
D.C.	92	45	21	9	17
Fifth	137	92	39	4	2
Ninth	143	90	27	11	15
Tenth	159	120	13	14	12
Total	764	504	158	44	58

Indeed, the increased rate of terminations in the last year has enabled us to schedule cases for hearing about twelve months after the last brief is filed, as opposed to the previous year in which the lapse of time from filing of the last brief to hearing was fifteen to eighteen months.

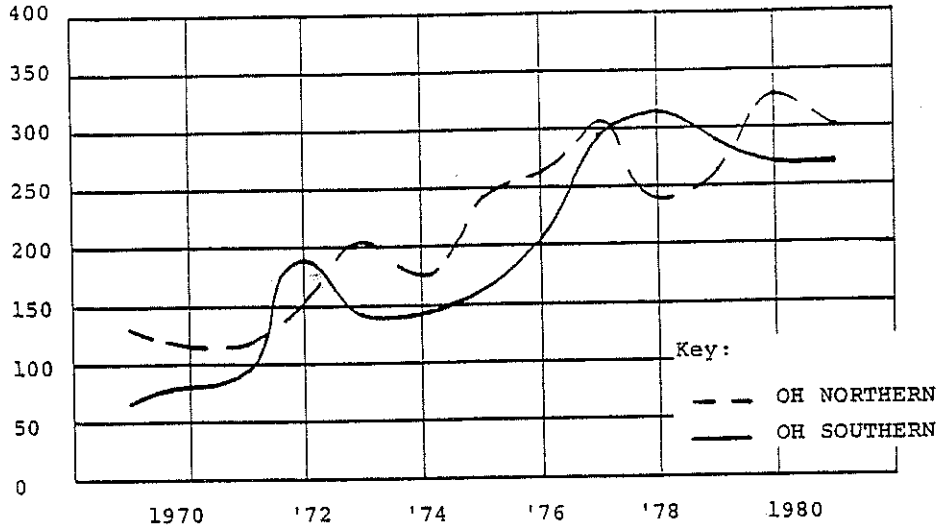
However, since 1969 filings have continued to increase at an average rate of 8.7% per year. All indications are that this rate may be exceeded this year as the court experiences the impact of twelve new district judgeships as a result of the Omnibus Judgeship Act and increases in bankruptcy appeals.

Appeals Commenced in the
U.S. Court of Appeals for the Sixth Circuit
For the Twelve Month Periods Ended June 30, 1969 - 1981

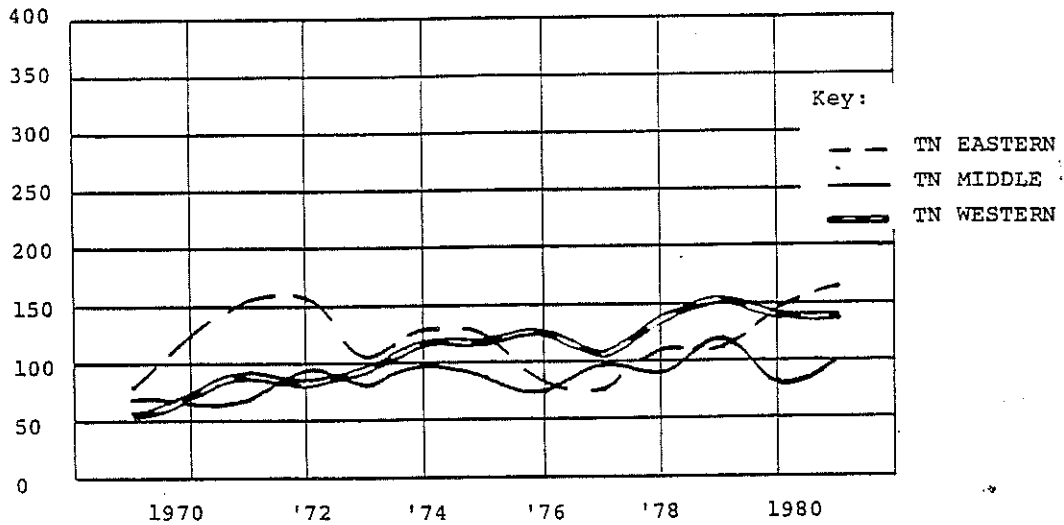


Further, the following graphs show the growth in filings from each of the nine district courts within the circuit, appeals from administrative agencies, and original petitions before this court.

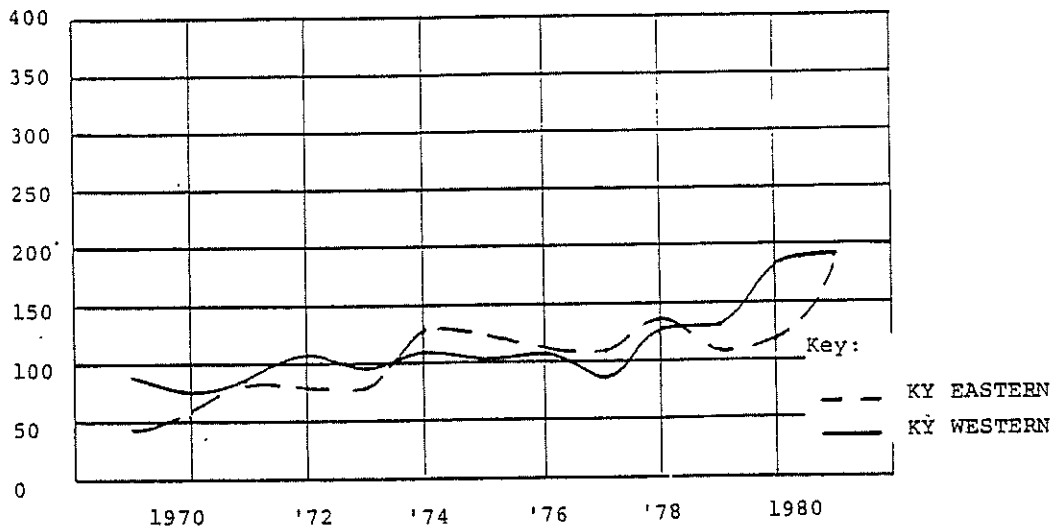
APPEALS FROM FEDERAL DISTRICT COURTS IN OHIO
 For the Twelve Month Periods Ended June 30, 1969 - 1981



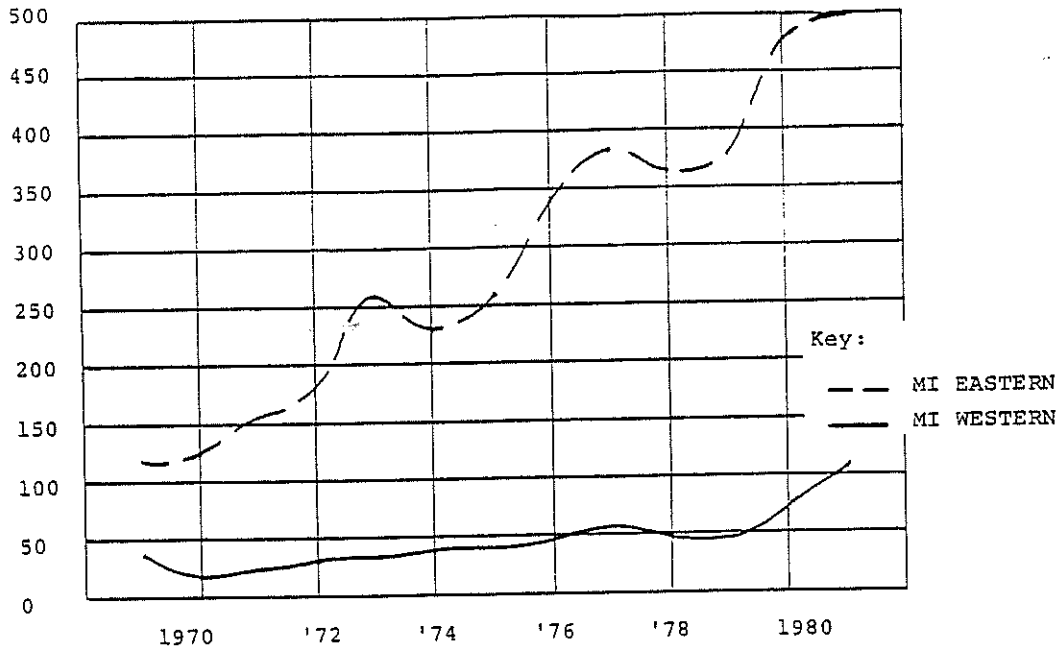
APPEALS FROM FEDERAL DISTRICT COURTS IN TENNESSEE
 For the Twelve Month Periods Ended June 30, 1969 - 1981



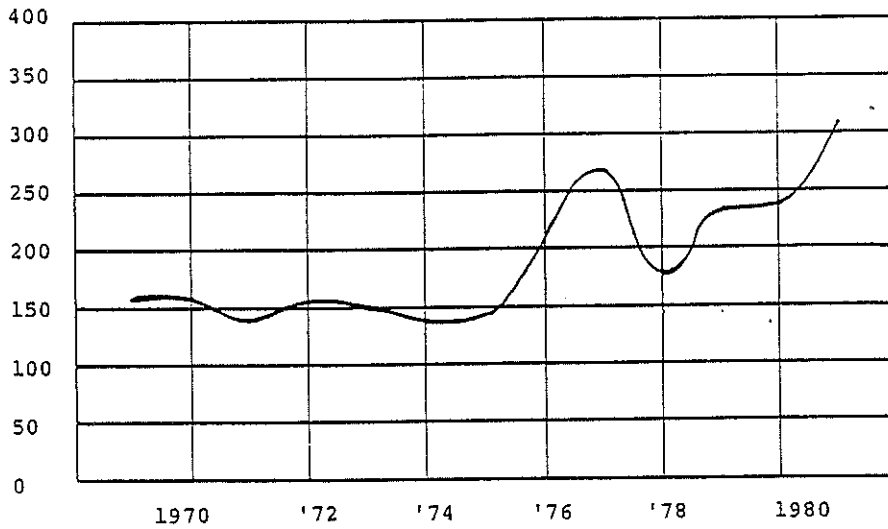
APPEALS FROM FEDERAL DISTRICT COURTS IN KENTUCKY
 For the Twelve Month Periods Ended June 30, 1969 - 1981



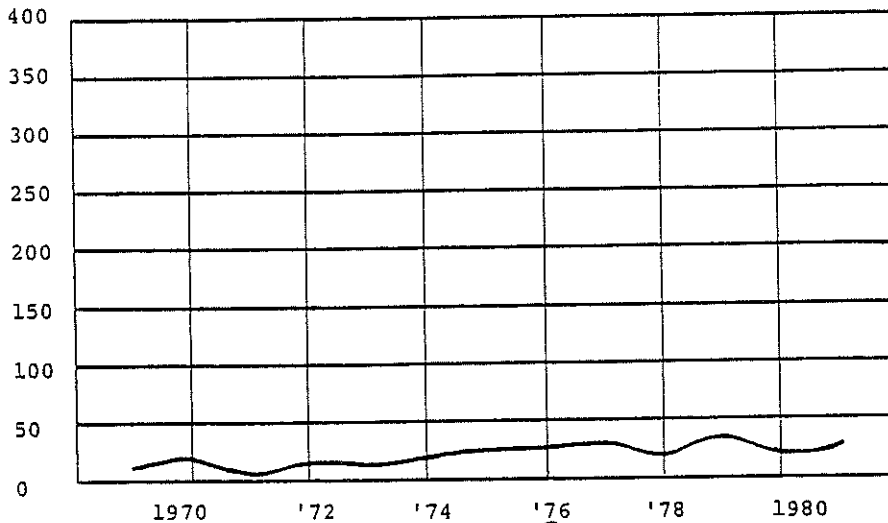
APPEALS FROM FEDERAL DISTRICT COURTS IN MICHIGAN
For the Twelve Month Periods Ended June 30, 1969 - 1981



APPEALS FROM FEDERAL AGENCIES
For the Twelve Month Periods Ended June 30, 1969 - 1981

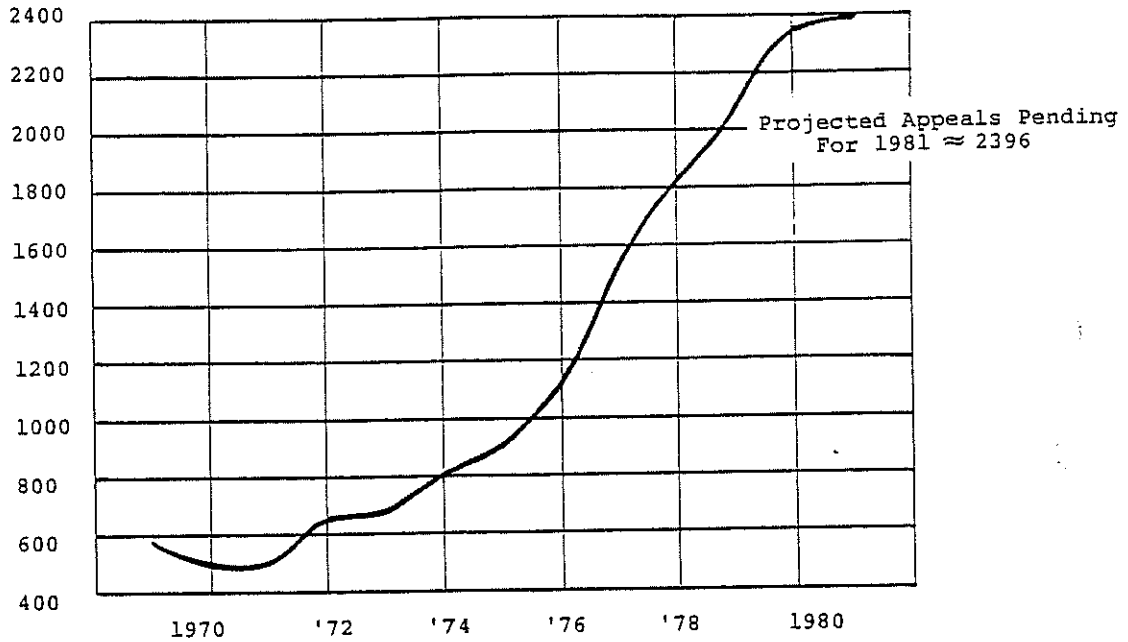


ORIGINAL PROCEEDINGS
For the Twelve Month Periods Ended June 30, 1969 - 1981



The net effect of terminations approaching filings has been to reduce the rate of growth of the pending caseload. However, the Sixth Circuit continues to have the largest pending caseload per panel.

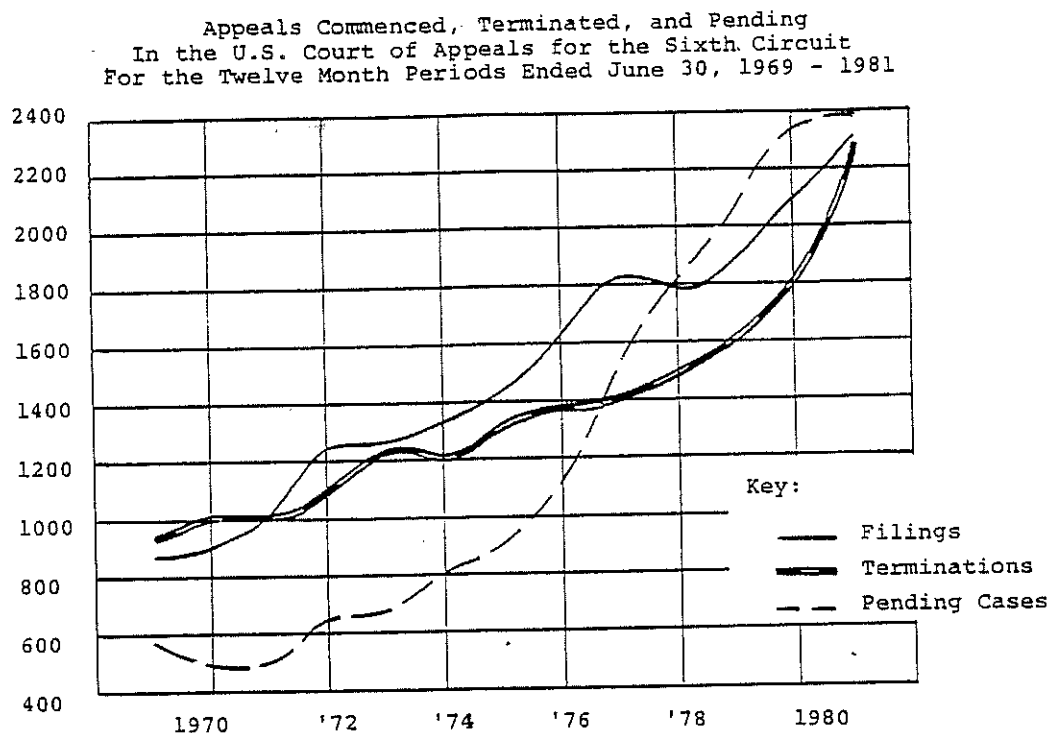
Appeals Pending in the
U.S. Court of Appeals for the Sixth Circuit
For the Twelve Month Periods Ended June 30, 1969 - 1981



Pending Appeals Per Panel
In the United States Courts of Appeals
For the Twelve Month Period Ended June 30, 1980

CIRCUIT	PENDING ACTIONS PER PANEL
District of Columbia	418
First	332
Second	171
Third	422
Fourth	495
Fifth	491
Sixth	639
Seventh	467
Eighth	220
Ninth	600
Tenth	481

The net effect of filings and terminations on the pending caseload may be noted by the graph below.



Chief Judge Edwards, in an effort to reduce the pending caseload, has introduced several innovations in the interest of docket control. His recommendations include:

1. the scheduling of six cases for each day of hearing;
2. the establishment of a docket control and settlement conference procedure;
3. an increase in judge power by seeking the participation of district judges from the circuit and visiting senior judges from outside the circuit;
4. the adoption of a procedure to allow dispositions from the bench;
5. the adoption of a rule requiring the parties to submit fact sheets with their briefs in all social security, habeas and Title VII cases.

Tables I and II below present, in chart form, the information illustrated in the graphs on the previous pages.

TABLE I

Source of Appeals in the
U.S. Court of Appeals for the Sixth Circuit
For the Twelve Month Periods Ended June 30, 1969 - 1981(Est.)

Source of Appeal	For the Twelve Month Period Ended June 30												
	'69	'70	'71	'72	'73	'74	'75	'76	'77	'78	'79	'80	'81(Est)
OHIO													
Northern	130	115	119	154	203	172	243	264	304	241	265	327	300
Southern	64	79	96	187	143	145	163	207	295	316	289	271	270
MICHIGAN													
Eastern	119	125	156	186	259	231	261	340	383	364	378	482	500
Western	41	17	24	30	32	39	41	48	52	48	47	75	110
TENNESSEE													
Eastern	83	126	155	157	105	128	124	84	78	108	113	147	165
Middle	70	65	67	95	80	99	85	75	97	90	118	78	100
Western	55	74	91	85	98	119	122	124	103	135	150	141	135
KENTUCKY													
Eastern	44	58	79	78	80	131	124	113	107	138	107	118	180
Western	92	76	83	106	96	110	102	109	84	128	133	184	190
AGENCY	157	157	139	155	149	143	145	216	267	181	235	238	310
ORIGINAL PROCEEDINGS	13	19	6	15	16	18	26	27	29	20	34	21	30
BANKRUPTCY								21	28	26	20	21	40

TABLE II

Appeals Commenced, Terminated, and Pending
In the U.S. Court of Appeals for the Sixth Circuit
For the Twelve Month Periods Ended June 30, 1969 - 1981(Est.)

	For the Twelve Month Period Ended June 30													Average Rate of Increase From 1969 - 1981
	'69	'70	'71	'72	'73	'74	'75	'76	'77	'78	'79	'80	'81(Est)	
FILINGS	868	911	1015	1248	1261	1335	1436	1628	1827	1795	1889	2103	2330	8.7%
TERMINATIONS	947	1044	1001	1098	1239	1207	1320	1396	1425	1503	1633	1832	2300	7.9%
PENDING	582	489	503	653	675	803	913	1145	1547	1839	2095	2366	2396	13.3%

The following chart indicates the types of cases which comprise the Sixth Circuit docket. Of note are the increases in bankruptcy and agency appeals.

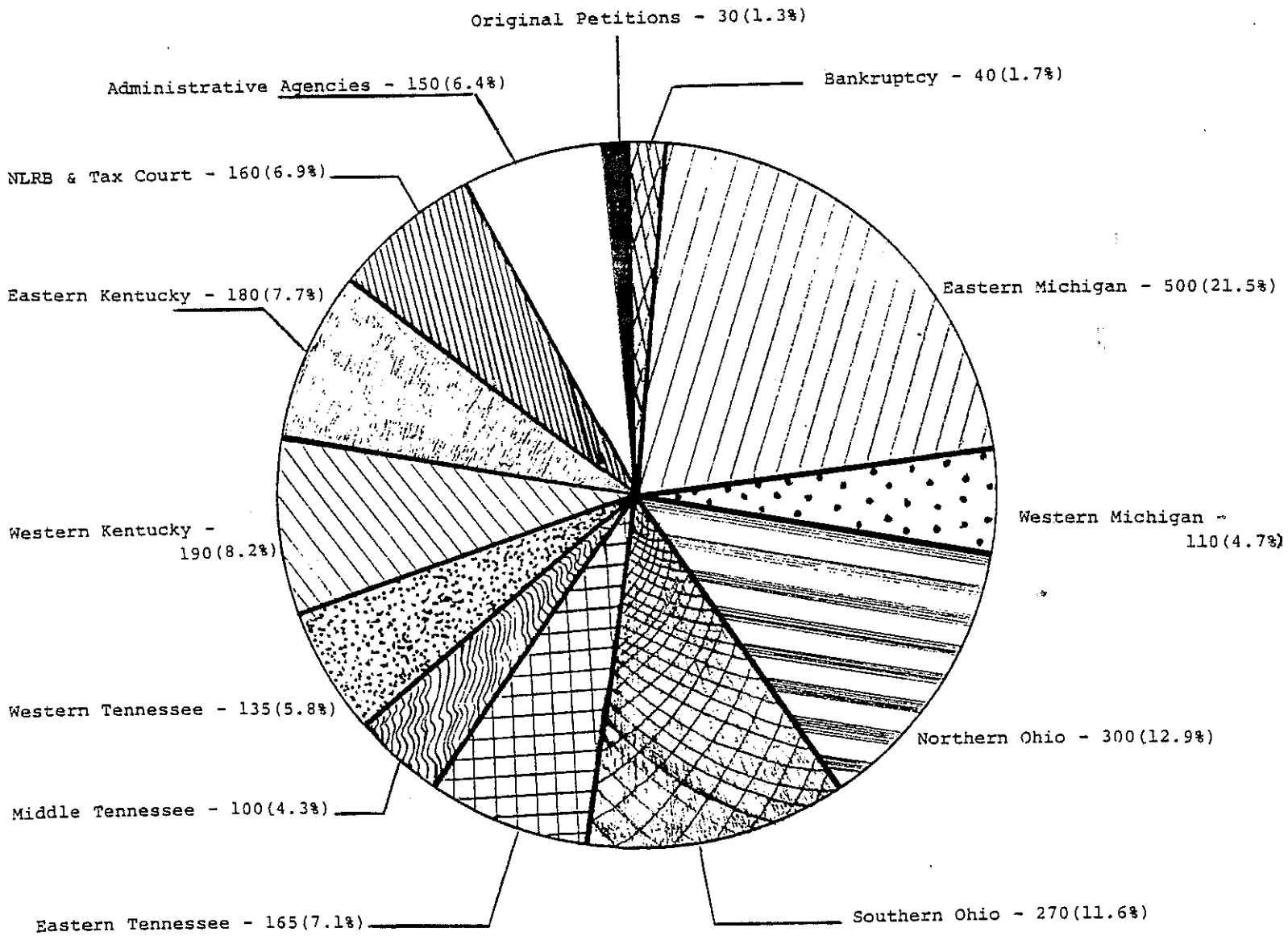
U.S. Court of Appeals for the Sixth Circuit
 Nature of Proceeding for Appeals Commenced
 During the Twelve Month Periods Ended June 30, 1975 - 1981(Est.)

Nature of Proceeding	For the Twelve Month Period Ended June 30						
	1975	1976	1977	1978	1979	1980	1981(Est)
CRIMINAL	347	383	371	456	354	347	360
CIVIL (Prisoner Petitions)	913 (250)	981 (229)	1132 (235)	1112 (279)	1246 (417)	1476 (420)	1590 (470)
BANKRUPTCY	5	21	28	26	20	21	40
ADMINISTRATIVE APPEALS	145	216	267	181	235	238	310
ORIGINAL PROCEEDINGS	26	27	29	20	34	21	30
TOTAL	1436	1628	1827	1795	1889	2103	2330

The diagram on page 10 indicates the relative percentages of new filings from each of the district courts, bankruptcy courts, administrative agencies, and original petitions which compose the Sixth Circuit docket.

SOURCES OF APPEALS AND ORIGINAL PROCEEDINGS
IN 1981*

TOTAL APPEALS: 2,330



*Figures represent projected filings for the reporting period ending June 30, 1981.

II. ADMINISTRATIVE IMPROVEMENTS IN THE CLERK'S OFFICE

In an effort to provide better service to the court, litigants and the public, the Clerk's office has instituted several new procedures to expedite the processing of cases. Among these are new transcript ordering procedures, development of forms and information sheets explaining procedures to counsel, and a more active follow-up.

Changes in the local rules have also lessened the burdens placed on counsel. A prime example is the reduction in the required number of briefs to be filed.

Consistent with the 1979 amendments to FRAP, and the court's interest in better docket management, the Clerk's office is exercising more aggressive management over appeals beginning with the filing of a notice of appeal and closer contact with counsel. Case supervisors have been appointed in the circuit Clerk's office for each district court in order to monitor case proceedings and provide assistance to counsel as required.

The court will continue to devote its energies to finding new efficiencies in accord with the court's commitment to reducing its backlog.