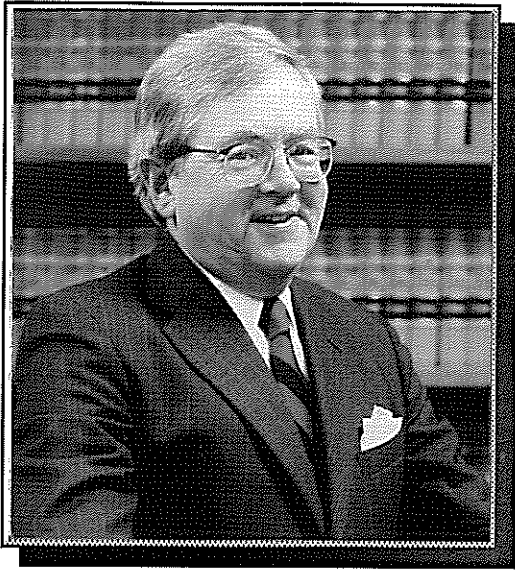


# *2002 Annual Report*



*Presented to  
Sixth Circuit Judicial Conference  
May 29-June 1, 2002  
Cleveland, Ohio*

*Hon. Boyce F. Martin, Jr.  
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 Cleveland for the 62<sup>nd</sup> Conference of the Sixth Judicial Circuit. A search of our archives discloses that the only other time a circuit conference was held in Cleveland was in 1967, a date that predates the service of any judge currently serving in the Sixth Circuit. We trust that the decision to hold the 2002 conference in Cleveland will contribute to the continued revitalization of this great city. In view of the warm hospitality that has been shown to the judges and lawyers of our circuit by our Cleveland hosts, I am sure that we will not wait 35 years to return.

I want to take this opportunity to express my personal appreciation to the conference planning committee, chaired by Judge James G. Carr of the Northern District of Ohio. We have an outstanding substantive program and an interesting and exciting selection of social and

recreational activities arranged by the hospitality committee chaired by Judge James S. Gwin also of the Northern District of Ohio. A special note of appreciation goes to Rick Kerger, Chair of the Life Members of the Sixth Circuit, and to the entire Life Member group for their support of this year's conference, particularly with the arrangements to obtain P.J. O'Rourke as our banquet speaker.

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

### **OVERVIEW**

The federal judiciary, like the rest of society, was greatly affected by the tragic events of September 11. The tragedy of that date and the anthrax problems that followed heightened our awareness of problems that could seriously disrupt the administration of justice in this country. There has been a greater emphasis on security, both in terms of the physical security of our courthouses and the screening of visitors and mail, as well as in planning for the continuation of our

operations in the event that some terrorist activity or natural disaster causes a disruption.

Notwithstanding the fallout from September 11, the overall state of the judiciary in the Sixth Circuit remains good. Caseloads declined at both the circuit and district court levels in the Sixth Circuit, although the economic downturn has led to another record year for filings in the bankruptcy courts.

Through the leadership of Chief Judge John G. Heyburn II of the Western District of Kentucky, who chairs the Budget Committee of the Judicial Conference of the United States and who presents and defends the judiciary's budget requests to Congress, the federal courts have been well funded for the last several years. Of particular note this year is the fact that Congress agreed to fund a long-standing request of the judiciary for an increase in compensation rates for panel attorneys appointed under the Criminal Justice Act. Effective May 1, 2002, panel attorneys will be compensated at the rate of \$90 per hour for both in-court and out-of-court work.

## **WORKLOAD**

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

### **Court of Appeals**

- New filings decreased by 4.8 percent to 4,746 cases. The largest decreases in filings were in civil rights cases and federal question cases. Criminal and diversity also showed substantial decreases in 2001.
- Appeals terminated decreased by less than 1 percent to 4,981 cases.

### **District Courts**

- Circuit-wide, civil filings decreased by 7 percent in 2001 while criminal filings increased by 7 percent. Only the Middle District of Tennessee reported an increase in civil filings last year, an 18 percent gain over 2000.
- Civil terminations declined in 2001 by nearly 15 percent over 2000. Again, all districts in the circuit, with the exception of the Middle District of Tennessee, reflected the decline in terminations.
- Criminal filings increased by 7.4 percent in the Sixth Circuit during 2001, with all districts except the Eastern District of Kentucky and the Southern District of Ohio experiencing increases.

### **Bankruptcy Courts**

- Bankruptcy filings soared to over 200,000 in 2001, a 27 percent increase. All districts in the circuit

had an increase of 20 percent or more in their filings.

- Bankruptcy terminations increased by almost 14 percent circuit-wide, and the number of pending bankruptcy cases also increased by 14 percent.

## **CONCLUDING THOUGHTS**

This year's conference marks the second open judicial conference held pursuant to the new policy governing our circuit conferences. The details of the new policy can be found in Local Rule 205 of the Sixth Circuit. Under that rule, open conferences, which any attorney admitted to practice in one or more federal courts in this circuit will be eligible to attend, will be held in even numbered years, with conferences for judges only held in the odd numbered years. The reaction of the bar to the new rule has been very positive. Also encouraging is the strong support shown by the life members of the conference, who continue to play an important role in the planning and execution of the circuit conferences.

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 and a great circuit. I appreciate your continued support, dedicated work and good will.

# JUDICIAL CONFERENCE of the UNITED STATES

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

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

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

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

Committee is to establish the spending plan which determines how the funds appropriated by Congress are spent within the judiciary.

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

Hon. Alice M. Batchelder  
Sixth Circuit  
*Committee on Automation  
and Technology*

Hon. James G. Carr  
Northern District of Ohio  
*Committee on the Administration of the  
Magistrate Judge System*

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

Hon. Bernice Bouie Donald  
Western District of Tennessee  
*Advisory Committee on Bankruptcy Rules*

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

Hon. R. Allan Edgar  
Eastern District of Tennessee  
*Committee on Court Administration  
and Case Management*

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

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

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

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

Hon. Boyce F. Martin, Jr.  
Sixth Circuit  
*Executive Committee*

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

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

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

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

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

Hon. Eugene E. Siler, Jr.  
Sixth Circuit  
*Committee on Federal-State Jurisdiction*

Hon. Charles R. Simpson III  
Western District of Kentucky  
*Committee on the Administration of the Bankruptcy System*

Hon. Richard F. Suhrheinrich  
Sixth Circuit  
*Committee on Space and Facilities*

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

## **JUDICIAL COUNCIL of the SIXTH CIRCUIT**

The Judicial Council of the Sixth Circuit is established by 28 U.S.C. § 332 to make "all necessary orders for the effective and expeditious administration of justice within its circuit." In addition to its responsibility for making administrative policy decisions within the circuit, the council plays a major role in formulating the policies established by the Judicial Conference as well as in executing those policies. For example, the council reviews any proposals regarding additional judgeship positions and submits recommendations to the Conference. The council also reviews a variety of matters involving the management of judicial resources for compliance with Conference established standards such as the plans for jury selection, criminal representation under the Criminal Justice Act, speedy trial plans, and the management of court reporters. The council also formulates circuit policy in a wide range of matters such as the allocation of personnel and approval of space and facilities projects, and it is authorized to issue orders for the division of business and the assignment of cases within a district court if the district judges are unable to agree. Section 332(d)(2) requires all judicial officers and employees to carry into effect all orders of the judicial council. Failure to abide by

council orders could lead to civil contempt proceedings.

The rules governing membership of the council provide that there will be 19 members of the council consisting of the chief circuit judge, nine circuit judges, and the chief judges of the nine districts. However, because of the number of circuit judge vacancies, the membership of the Sixth Circuit Judicial Council at the time of publication is as follows:

### **Council Membership**

Chief Boyce F. Martin, Jr.,  
Chair  
Circuit Judge Danny J Boggs  
Circuit Judge Alice M. Batchelder  
Circuit Judge Martha Craig Daughtrey  
Circuit Judge Karen Nelson Moore  
Circuit Judge R. Guy Cole, Jr.  
Circuit Judge Eric L. Clay  
Circuit Judge Ronald L. Gilman  
Chief District Judge Karl S. Forester  
Eastern District of Kentucky  
Chief District Judge John G. Heyburn II  
Western District of Kentucky  
Chief District Judge Lawrence P. Zatkoff  
Eastern District of Michigan  
Chief District Judge Robert Holmes Bell  
Western District of Michigan  
Chief District Judge Paul R. Matia  
Northern District of Ohio  
Chief District Judge Walter H. Rice  
Southern District of Ohio

Chief District Judge R. Allan Edgar  
Eastern District of Tennessee  
Chief District Judge Robert L. Echols  
Middle District of Tennessee  
Chief District Judge James D. Todd  
Western District of Tennessee

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

Bankruptcy Judge David T. Stosberg  
Western District of Kentucky  
Magistrate Judge Peggy P. Patterson  
Eastern District of Kentucky

### **Investigating Committee**

Honorable Boyce F. Martin, Jr., Chair  
Honorable James L. Ryan  
Honorable Eugene E. Siler, Jr.  
Honorable Martha Craig Daughtrey  
Honorable R. Guy Cole, Jr.  
Honorable Richard A. Enslin  
Honorable Charles R. Simpson III  
Honorable R. Allan Edgar  
Honorable James G. Carr

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



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

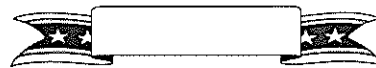
## **JUDICIAL CONDUCT and DISCIPLINE**

The Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (28 U.S.C. § 372(c)) establishes a procedure whereby any person may file a complaint of misconduct or disability against a circuit, district, bankruptcy or magistrate judge of the circuit. A complaint is submitted first to the Chief Judge of the Circuit, who may dismiss a complaint which is directly related to the merits of a decision or procedural ruling of the judge complained against or which is found to be frivolous. The Chief Judge also may close a complaint if appropriate corrective action has been taken.

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

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

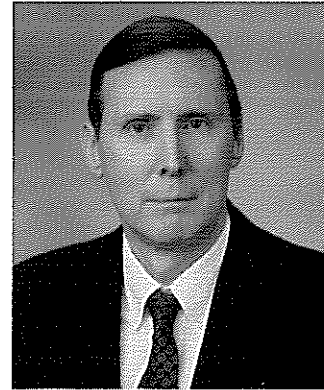
During the year ended December 31, 2001, 94 complaints were filed in the Sixth Circuit, and 91 complaints were terminated by dismissal. One complaint filed during 1999 which required the activation of the Special Investigating Committee was resolved.



## OFFICE of the CIRCUIT EXECUTIVE

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

In addition to the Circuit Executive, the office is staffed by four Assistant Circuit Executives. Kay Lockett is the Assistant Circuit Executive for Program Management, with primary responsibility for staff support to the Chief Judge in the assignment of panels for the Court of Appeals and support for the Judicial Council and its committees. She also provides staff support for Bankruptcy and Federal Public Defender Merit Selection Panels. Jack Rose serves as Assistant Circuit Executive for Administration with primary responsibility for procurement and budget matters and oversight over the space and facilities functions. William Eggemeier is Assistant Circuit Executive for Automation. He heads up the consolidated automation support unit for the Court of Appeals, which operates the case management system, provides personal computer support and training, and



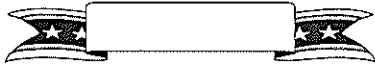
*James A. Higgins  
Circuit Executive*

administration of the data communications network. Mr. Eggemeier also oversees the circuit-wide implementation of the data network and telecommunications programs and convenes the automation users from the district and bankruptcy courts throughout the circuit. Barbara Wieliczka is Assistant Circuit Executive for Space and Facilities. Ms. Wieliczka is responsible for the management of building renovation projects for the Court of Appeals, for providing technical advice and assistance in space planning to the district and bankruptcy courts in this circuit, and for providing staff assistance to the Sixth Circuit Judicial Council on space matters requiring approval, recommendation, or oversight.

For the Court of Appeals, the Office of the Circuit Executive exercises administrative control over all non-judicial functions of the court. The Circuit Executive serves as chief of staff of the Court of Appeals senior staff, and his

office administers the budget, personnel, procurement and facilities management policies for the Court of Appeals.

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



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

### ***DEATHS***

***Leroy J. Contie, Jr.*** The Honorable Leroy J. Contie, Jr., Senior United States Circuit Judge of the Sixth Circuit Court of Appeals, passed away on May 11, 2001 from complications following surgery. He celebrated his 81st birthday on April 2, 2001. Judge Contie received both his B.A. and his J.D. from the University of Michigan with a four year absence in between to serve in the United States Army during World War II. Prior to his appointment to the bench, Judge Contie served four terms as City Solicitor of Canton; and with the City Safety Director, led an aggressive attack on local crime which culminated in the bombing of his home. He was not injured. On December 6, 1971, Judge Contie was appointed United States District Judge for the Northern District of Ohio. On March 23, 1982 he was appointed to serve as United States Circuit Judge for the Sixth Circuit Court of Appeals. He assumed senior status on June 30, 1986 and retired on May 15, 2000.

***William K. Thomas.*** The Honorable William K. Thomas, Senior

United States District Judge for the Northern District of Ohio, passed away on March 20, 2001. He had celebrated his 90th birthday on February 15, 2001. Judge Thomas was a *cum laude* graduate of Ohio State University and graduated Order of the Coif from its Law School. Following graduation he entered private practice with the firm of Harrison & Marshman and became a partner in that firm following military service with the Naval Reserve. Judge Thomas was elected Common Pleas Judge of both Geauga and Cuyahoga Counties of Ohio. He was appointed to the District Court on March 7, 1966 and served the Court for thirty-two years before retiring on January 30, 1998. He took senior status on February 15, 1981.

### ***SIXTH CIRCUIT COURT OF APPEALS***

#### ***SENIOR STATUS***

***Gilbert S. Merritt.*** The Honorable Gilbert S. Merritt, United States Circuit Judge for the Sixth Circuit, assumed senior status on January 17, 2001. He was appointed to the Sixth Circuit Court of Appeals on October 31, 1977 and served as its chief judge from October 1, 1989 to September 30, 1996. During his service as Chief Judge of the Sixth Circuit, Judge

Merritt was a member of the Judicial Conference of the United States and served on its Executive Committee. From 1994 to 1996 he served as Chairman of the Executive Committee. In January, 1998, Chief Justice William Rehnquist appointed him as one of five members of the Commission on Structural Alternatives for the federal courts of appeals to study the present division of the United States into several judicial circuits, as well as the structure and alignment of the federal court of appeals system, with particular reference to the Ninth Circuit. Prior to his appointment to the bench Judge Merritt was in private practice in Nashville specializing in federal civil and criminal litigation. He continues to render valuable service to the Court.

*Alan E. Norris.* The Honorable Alan E. Norris, United States Circuit Judge of the Sixth Circuit, assumed senior status on July 1, 2001. He was appointed to the Court on July 1, 1986. Judge Norris graduated first in his class from Otterbein College, holds a certificate from the Sorbonne, University of Paris, and a law degree from New York University School of Law. He received his LL.M. from the University of Virginia School of Law, and was awarded an honorary Doctor of Humane Letters by his *alma mater*,

Otterbein College. From 1967 to 1980 Judge Norris served seven terms as a member of the Ohio House of Representatives and served six years as minority whip. In 1980 Judge Norris was elected to the Ohio Court of Appeals, and served on that Court until his appointment to the Sixth Circuit. He continues to render valuable service to the Court.

*Richard F. Suhrheinrich.* The Honorable Richard F. Suhrheinrich, Judge of the United States Court of Appeals for the Sixth Circuit, assumed senior status on the 15th day of August, 2001. He was appointed to the Court on July 10, 1990 after having served six years as United States District Judge for the Eastern District of Michigan. Judge Suhrheinrich is a graduate of Wayne State University and a *cum laude* graduate of the Detroit College of Law where he was president of his graduating class. He received his LL.M. from the University of Virginia. He has served as an assistant prosecutor for Macomb County, Michigan, an assistant professor at Detroit College of Law, and as senior partner of the Detroit law firm of Kitch, Suhrheinrich, Saubier & Drutchas. Judge Suhrheinrich is active in professional and civic affairs and has served as President of the Board of Trustees of Michigan State University,

Detroit College of Law, his *alma mater*. He presently serves as a member of the Committee on Security, Space and Facilities of the Judicial Conference of the United States. He continues to render valuable service to the Court.

*Eugene E. Siler, Jr.* The Honorable Eugene E. Siler, Jr., United States Circuit Judge for the Sixth Circuit, assumed senior status on January 1, 2002 after twenty six years of active judicial service; sixteen as a United States District Judge and ten as a United States Circuit Judge. He served a term of seven years as Chief Judge of the United States District Court for the Eastern District of Kentucky; and from 1970 to 1975, he served as United States Attorney for that District. Judge Siler is a graduate of Vanderbilt University and the University of Virginia Law School where he was on the editorial board of the Law Review, vice-president of the Student Council, and a member of the Raven Society. He received his LL.M. from Georgetown University specializing in trial advocacy. Judge Siler is active in professional and civic affairs having served as a trustee and chairman of the Board of Trustees of Cumberland College; as an active member of the Kentucky Baptist Convention and as a Director on the Board of the Baptist Healthcare

System. He continues to carry a full caseload.

## *SIXTH CIRCUIT COURT OF APPEALS*

### *RETIREMENT*

*Nathaniel R. Jones.* The Honorable Nathaniel R. Jones retired from service on March 31, 2002 after more than 22 years on the United States Court of Appeals for the Sixth Circuit. He was appointed to the Court on September 4, 1979 and took senior status on May 13, 1995. He continued to serve the Court in senior status having sat with the Court as recently as the week of January 22, 2002. Prior to his appointment to the Sixth Circuit, Judge Jones was an Assistant United States Attorney for the Northern District of Ohio and General Counsel to the NAACP. He currently serves on the Board of Visitors of three law schools; is a member of the Board of Governors of Nova University Law Center, and is on the Board of Trustees at Thomas More College. He is adjunct professor at the University of Cincinnati College of Law, an instructor in the trial advocacy program at Harvard Law School, and adjunct professor at the Criminal Law Institute of Atlanta University. Judge Jones is the

recipient of numerous awards including the National Bar Association Equal Justice Award; the Joseph A. Hall Award of the United Way and Community Chest for fostering positive support of diversity; and the Great Living Cincinnati Award. His service on the Court will be missed greatly by his colleagues.

### *UNITED STATES DISTRICT COURTS*

#### *SENIOR STATUS*

*William O. Bertelsman.* The Honorable William O. Bertelsman, United States District Judge for the Eastern District of Kentucky, assumed senior status on February 1, 2001. He was appointed to the Court on November 27, 1979, and served as the District's chief judge from September 1991 to September 1998. He graduated *summa cum laude* from Xavier University, Cincinnati, and graduated first in his class, Order of the Coif, from the University of Cincinnati College of Law. Prior to his appointment, Judge Bertelsman was in private practice. He has taught corporations, civil procedure and equity courses at the University of Cincinnati College of Law. Judge Bertelsman has published supplements to Clay, *Kentucky Civil Procedure*, and co-authored *Kentucky*

*Rules of Civil Procedure*, annotated, West Publishing Company, 1984, and supplements to two volumes. He continues to render valuable service to the Court.

*Henry R. Wilhoit, Jr.* The Honorable Henry R. Wilhoit, Jr., United States District Judge for the Eastern District of Kentucky at Ashland, assumed senior status on January 1, 2001 after serving the Court in active status for nearly 20 years. He was appointed to the Court on October 23, 1981 and served as chief judge of the District from September of 1998 until his assumption of senior status. Prior to his appointment to the Court, Judge Wilhoit was in private practice in Grayson, Kentucky and was the fourth generation of his family to do so. He is a graduate of the University of Kentucky Law School and has served on the University's Board of Trustees and as its National Alumni President. In 1980, he received the Alumni Distinguished Service Award. He continues to render valuable service to the Court.

*Patrick J. Duggan.* The Honorable Patrick J. Duggan, United States District Judge for the Eastern District of Michigan, assumed senior status on September 29, 2000. He was appointed to the Court on

October 14, 1986 and entered on duty on January 6, 1987. Judge Duggan is a graduate of Xavier University, Cincinnati, and the University of Detroit Law School. Prior to his appointment to the District Court, Judge Duggan served as Judge of the Wayne Circuit Court from 1977 to 1987 and was engaged in private practice in Livonia, Michigan from 1959 to 1977. He continues to render valuable service to the Court.

***Paul V. Gadola.*** The Honorable Paul V. Gadola, United States District Judge for the Eastern District of Michigan at Flint, assumed senior status on February 1, 2001. He was appointed to the Court in 1988. Judge Gadola received his B.A. from Michigan State University and his J.D. from the University of Michigan Law School. At the time of his appointment, he was a sole practitioner in Flint, Michigan. Judge Gadola is on the Board of Directors of the Incorporated Society of Irish-American Lawyers; the Historical Society for the United States District Court for the Eastern District of Michigan; and the Michigan Lawyers Chapter of the Federalist Society. He is a member of the State Bar of Michigan; Lifetime Fellow of the Roscoe Pound Foundation; Federal Judges Association; and Executive Board of the Detroit Chapter of the Federal Bar

Association. He continues to render valuable service to the Court.

***R. Leon Jordan.*** The Honorable R. Leon Jordan, United States District Judge for the Eastern District of Tennessee at Knoxville, assumed senior status on December 1, 2001. Following high school graduation, Judge Jordan served in the United States Army and was recognized as a United States Honor Soldier. Following his military duty, he attended the University of Tennessee where he received his B.S. and J.D. Degrees. Judge Jordan entered private practice and also worked in the oil and banking business. In 1980 he became Chancellor of the First Judicial District of Tennessee and served in that position until he was appointed to the federal bench in 1988. He continues to render valuable service to the Court.

***Herman J. Weber.*** The Honorable Herman J. Weber, United States District Judge for the Southern District of Ohio at Cincinnati, assumed senior status on January 1, 2002. He received his B.A. from Otterbein College and graduated Order of the Coif from Ohio State University Law School. Following law school he entered private practice in Fairborn, Ohio. Judge Weber's public



service began in 1955 as a member of the Fairborn City Council. In 1962 he became Judge of the Court of Common Pleas in Greene County, Ohio; and in 1982, he became a Judge on the Ohio Court of Appeals, a position he held until his appointment to the District Court. Judge Weber continues to render valuable service to the Court.

***George C. Smith.*** The Honorable George C. Smith is a graduate of Ohio State University and its law school. He was appointed United States District Judge for the Southern District of Ohio on November 9, 1987 and assumed senior status on January 1, 2002. Judge Smith's appointment capped a long career of public service to the City of Columbus and the State of Ohio. He served as Assistant City Attorney for Columbus; Assistant Attorney General for the State of Ohio; Prosecuting Attorney of Franklin County, and Judge of the Franklin County Court of Common Pleas. He continues to render valuable service to the Court.

***James H. Jarvis II.*** The Honorable James H. Jarvis II, United States District Judge for the Eastern District of Tennessee at Knoxville, assumed senior status on March 1, 2002. He is a graduate of the University of

Tennessee and its law school. Following graduation Judge Jarvis practiced law in Knoxville and Maryville, Tennessee. He served as a Judge of the Law and Equity Court for Blount County, Tennessee and as Judge of the 30th Judicial Circuit Court for Blount County, Tennessee. From November of 1991 to November of 1998, Judge Jarvis served as Chief Judge of the Eastern District of Tennessee. During that tenure he served on the Sixth Circuit Judicial Council and several of its committees. Judge Jarvis has also served on the Committee on Codes of Conduct of the Judicial Conference of the United States. He continues to render valuable service to the Court.

## ***UNITED STATES DISTRICT COURTS***

### ***RETIREMENTS***

***Joseph P. Kinneary.*** The Honorable Joseph P. Kinneary, United States District Judge for the Southern District of Ohio, retired in August of 2001 ending a career on the District Court bench of 35 years. He was appointed to the Court on July 22, 1966. He was a graduate of Notre Dame University and the University of Cincinnati College of Law. His public service began in 1937 as

Assistant Attorney General of the State of Ohio and continued, off and on, until the time of his appointment to the District Court ending with service, from 1961 to 1966, as United States Attorney for the Southern District of Ohio. Judge Kinneary served as Chief Judge of the District from March 2, 1973 to September 8, 1975, and he took senior status on December 31, 1986. After taking senior status he continued to take an 80 percent draw. In 1998 the United States Courthouse in Columbus was named for Judge Kinneary. He will be greatly missed by his fellow judges.

**Robert P. Murrian.** The Honorable Robert P. Murrian, United States Magistrate Judge for the Eastern District of Tennessee at Knoxville retired at the end of his third eight-year term on February 12, 2002. Judge Murrian is a graduate of the United States Naval Academy and the University of Tennessee College of Law where he was a member of the moot court team and *Order of the Coif*. Following graduation from law school, he served as a law clerk to United States District Judge Robert L. Taylor, and then entered the private practice of law. He is a member of the Federal Magistrate Judges Association and the Great Smoky Mountains Conservation Association.

From 1999 to 2001, Judge Murrian served on the Standing Committee on the Sixth Circuit Judicial Conference and rendered valuable service in the execution of its programs.

## ***UNITED STATES BANKRUPTCY COURTS***

### ***RETIREMENT***

**David F. Snow.** The Honorable David F. Snow, United States Bankruptcy Judge for the Northern District of Ohio, retired on July 25, 2000. Judge Snow was appointed to the Court on July 25, 1988. Prior to his appointment, he was in private practice in Cleveland.



*UNITED STATES DISTRICT JUDGES*

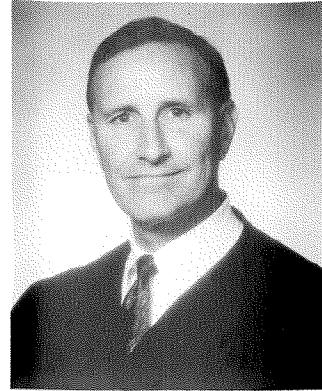
*NEW APPOINTMENTS*



*Hon. Marianne Battani  
U.S. District Judge*

***Marianne Battani.*** The Honorable Marianne Battani was appointed United States District Judge for the Eastern District of Michigan on June 2, 2000. She fills the vacancy created by the assumption of senior status by United States District Judge Anna Diggs Taylor. Prior to her appointment to the District Court, Judge Battani had served as a circuit court trial judge for the State of Michigan, County of Wayne, from 1982 until her recent appointment. Judge Battani is also past Chair of Michigan's Judicial Tenure Commission.

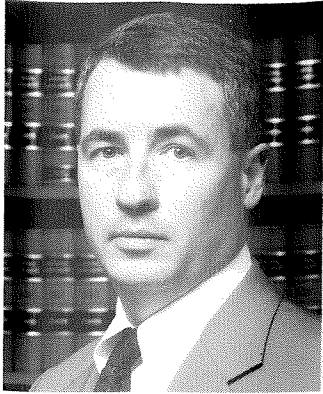
***David M. Lawson.*** The Honorable David M. Lawson was appointed United States District Judge for the Eastern District of Michigan on June 2, 2000. He



*Hon. David M. Lawson  
U.S. District Judge*

assumes the vacancy created by the assumption of senior status by United States District Judge Avern Cohn. Prior to his appointment to the bench, Judge Lawson was a litigation attorney with Clark Hill in Birmingham, Michigan. He also served as a law clerk to United States Circuit Judge James L. Ryan.

***Karen Caldwell.*** The Honorable Karen K. Caldwell was sworn in as United States District Judge for the Eastern District of Kentucky on November 13, 2001 to fill the vacancy created by the assumption of senior status by Judge Henry R. Wilhoit, Jr. of Ashland. From 1991 to 1993, Judge Caldwell served as United States Attorney for the Eastern District of Kentucky. At the time of her appointment she was in private practice with the Lexington office of Dinsmore & Shohl LLP.



*Hon. Danny C. Reeves*  
*U.S. District Judge*

***Danny C. Reeves.*** The Honorable Danny C. Reeves was sworn in as United States District Judge for the Eastern District of Kentucky on January 4, 2002. He was appointed to a new position created by P.L. 106-553. Judge Reeves is a graduate of Eastern Kentucky University and Salmon P. Chase College of Law graduating from both with honors. Following law school, Judge Reeves served as a law clerk to the Honorable Eugene E. Siler, Jr., then United States District Judge for the Eastern and Western Districts of Kentucky. Following his clerkship, he joined the litigation section of the Lexington office of the law firm of Greenebaum, Doll & McDonald where he concentrated his practice in the federal courts in Kentucky.

***David L. Bunning.*** The Honorable David L. Bunning was appointed United States District Judge for the Eastern District of Kentucky on February 21,



*Hon. David L. Bunning*  
*U. S. District Judge*

2002. He was appointed to fill the vacancy created by the assumption of senior status by United States District Judge William O. Bertelsman of Covington. Prior to this appointment to the District Court, Judge Bunning had served as Assistant United States Attorney for the Eastern District of Kentucky from 1991 until his recent appointment.



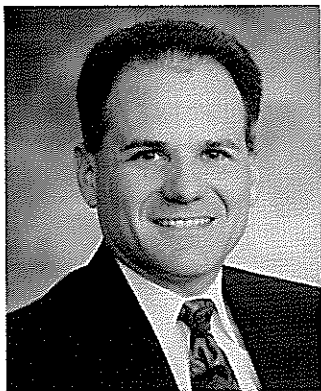
*UNITED STATES BANKRUPTCY COURTS*

*NEW APPOINTMENTS*



*Hon. Mary Ann Whipple  
U.S. Bankruptcy Judge*

*Mary Ann Whipple.* The Honorable Mary Ann Whipple was sworn in as United States Bankruptcy Judge for the Northern District of Ohio at Toledo on May 1, 2001. She assumes the position formerly held by retired Bankruptcy Judge Walter J. Krasniewski. Prior to her appointment to the bankruptcy bench, Judge Whipple was in private practice in Toledo with the firm of Fuller and Henry.



*Hon. Russ Kendig  
U.S. Bankruptcy Judge*

*Russ Kendig.* The Honorable Russ Kendig was sworn in as United States Bankruptcy Judge for the Northern District of Ohio at Canton on February 28, 2001. Judge Kendig succeeds Bankruptcy Judge James H. Williams who retired on February 28, 1999. Prior to his appointment, he was in private practice in Canton.

*UNITED STATES MAGISTRATE JUDGES*

*NEW APPOINTMENTS*



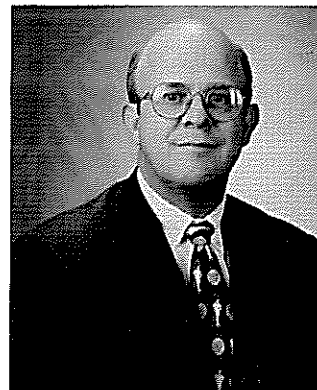
*Hon. Ellen S. Carmody  
U.S. Magistrate Judge*

*Ellen S. Carmody.* The Honorable Ellen S. Carmody began serving as a Magistrate Judge in the Western District of Michigan on October 10, 2000. Born in Philadelphia, Pennsylvania, she received a B.Ph. from Grand Valley State University in 1974 and a J.D. from the University of Michigan in 1983. Following her clerkship with the

Honorable Douglas W. Hillman in the Western District of Michigan from 1983 to 1985, Judge Carmody joined the firm of Law, Weathers & Richardson as an associate. She was a shareholder with Law, Weathers & Richardson from 1994 until her appointment to the bench.

**E. Clifton Knowles.** The Honorable E. Clifton Knowles was appointed United States Magistrate Judge for the Middle District of Tennessee at Nashville on July 7, 2002. He was appointed to fill the vacancy created by the elevation of United States Magistrate Judge William J. Haynes, Jr. to the position of United States District Judge. Prior to his appointment, Judge Knowles was a partner with the Nashville law firm of Bass, Berry & Sims, PLC, where his practice had focused on civil litigation for approximately twenty years. Following his graduation from law school, he served as law clerk to the Honorable George Edwards, then Chief Judge of the U.S. Court of Appeals for the Sixth Circuit.

**C. Clifford Shirley, Jr.** The Honorable C. Clifford Shirley, Jr. was appointed United States Magistrate Judge for the Eastern District of Tennessee on February 13, 2002. He succeeds Magistrate Judge Robert P. Murrian who



*Hon. C. Clifford Shirley, Jr.  
U.S. Magistrate Judge*

retired. Prior to his appointment to the bench, Judge Shirley was a partner in the Knoxville law firm of Lowe, Shirley & Yeager.

#### ***UNITED STATES DISTRICT COURTS***

#### ***ELEVATED***

**James D. Todd.** The Honorable James D. Todd became Chief Judge of the United States District Court for the Western District of Tennessee on January 3, 2001. He succeeded Judge Julia Smith Gibbons whose term expired. Judge Todd was appointed to the District Court on July 11, 1985 and entered on duty on July 19, 1985. Prior to his appointment, Judge Todd was a Circuit Judge of Division II of Jackson, Tennessee. From 1972-83 he was in private practice with the Jackson, Tennessee firm of Waldrop, Farmer, Todd & Breen.

**Robert Holmes Bell.** The Honorable Robert Holmes Bell became Chief Judge of the United States District Court for the Western District of Michigan on May 28, 2001 succeeding Judge Richard A. Enslin. Judge Bell was appointed to the District Court in 1987. Prior to his appointment to the District Court, Judge Bell served as an assistant prosecutor for Ingham County, Michigan and Judge of the Ingham County District and Circuit Courts.

**Honorable Karl S. Forester.** The Honorable Karl S. Forester became Chief Judge of the United States District Court for the Eastern District of Kentucky at Lexington on January 1, 2001. He succeeds Judge Henry R. Wilhoit, Jr. who took senior status on December 31, 2000. Judge Forester was appointed to the District Court in 1988. Prior to his appointment to the District Court, he was in private practice.

**John G. Heyburn II.** The Honorable John G. Heyburn II became Chief Judge of the United States District Court for the Western District of Kentucky on December 1, 2001 succeeding Judge Charles R. Simpson III. He was appointed to the Court in 1992. At that time Judge Heyburn was in private

practice with the Louisville law firm of Brown Todd & Heyburn, now Frost Brown & Todd. He serves as Chairman of the Committee on the Budget of the Judicial Conference of the United States. As Chairman, Judge Heyburn is called on annually to testify before Congress on the budget request for the United States Courts.

#### **UNITED STATES BANKRUPTCY COURTS**

##### **ELEVATED**

**John C. Cook.** The Honorable John C. Cook was elevated to Chief Judge of the United States Bankruptcy Court for the Eastern District of Tennessee on October 25, 2000 succeeding Judge Richard S. Stair, Jr. who had served as Chief Judge since 1993. Judge Cook was appointed to the Court on September 18, 1987 to a new position created by Public Law 99-554. Prior to his appointment, he was an assistant United States Attorney from 1978-1987.

**William T. Bodoh.** The Honorable William T. Bodoh was elevated to Chief Judge of the United States Bankruptcy Court for the Northern District of Ohio on July 1, 2001. He succeeded Judge Richard

L. Speer who served as the Court's chief judge for four years. Judge Bodoh was appointed to the bankruptcy bench on February 12, 1985 and is currently serving his second 14-year term. Prior to his appointment he was a partner in the Youngstown law firm of Manchester, Bennett, Powers and Ullman.

*Joseph M. Scott, Jr.* The Honorable Joseph M. Scott, Jr. was elevated to Chief Judge of the United States Bankruptcy Court for the Eastern District of Kentucky on October 1, 2001. He succeeds Judge William S. Howard. Judge Scott was appointed to the bankruptcy bench on March 29, 1999. Prior to his appointment, he was in private practice in Lexington with the law firm of Stoll, Keenon & Park, LLC.





# Judicial Workload in the Sixth Circuit

## Workload in the District Courts

The total workload of the district courts decreased in 2001, with civil filings decreasing by 7.2 percent while criminal filings increased 7.4 percent. Terminations of civil cases also decreased by nearly 15 percent, while criminal terminations increased by 2 percent. The number of pending civil cases increased by 8 percent, and the number of criminal pending increased by slightly more than 13 percent.

**Filings.** With the exception of the Middle District of Tennessee, all districts in the Sixth Circuit experienced a decline in filings per judge.

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

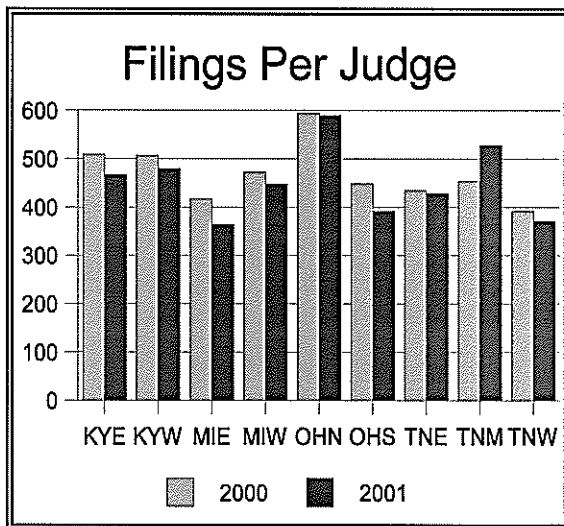


Figure 1

**Terminations.** Terminations also decreased in each district in the circuit, with

the exception of the Middle District of Tennessee.

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

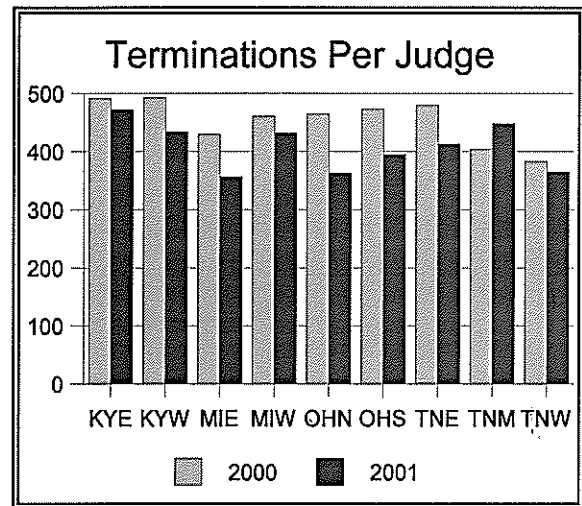


Figure 2

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

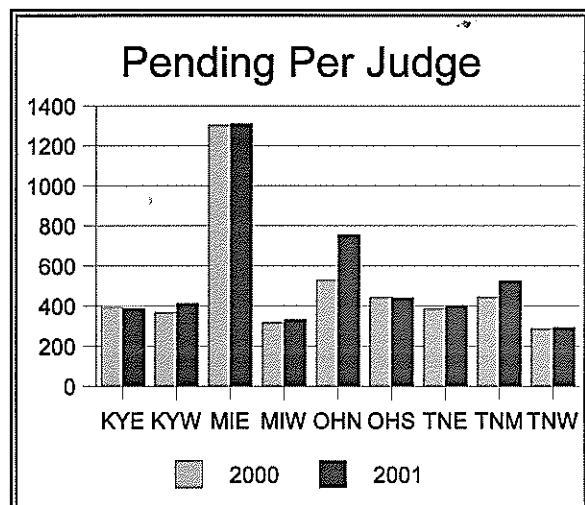


Figure 3

**Disposition Times.** Figure 4 shows the median time in months from filing to disposition for civil cases for each of the district courts in the Sixth Circuit for fiscal years 2000 and 2001.

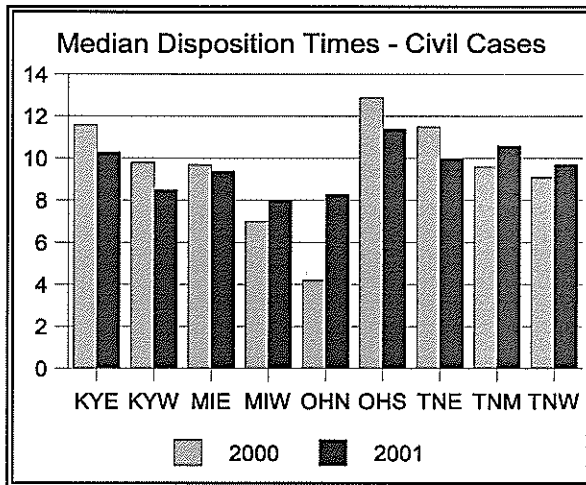


Figure 4

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

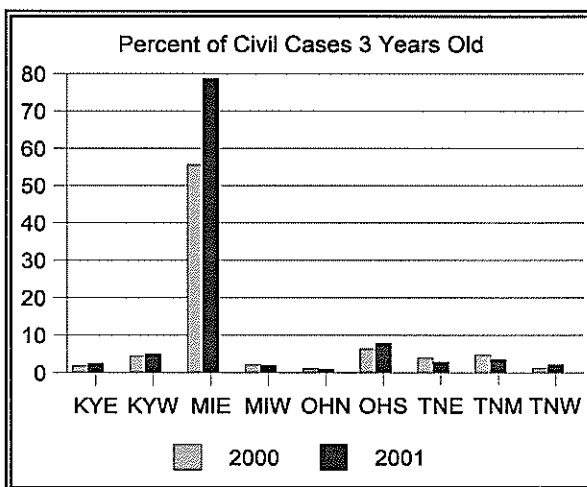


Figure 5

## Workload in the Bankruptcy Courts

Filings in the bankruptcy courts in the Sixth Circuit increased by over 27 percent in 2001 to a record of more than 204,000 cases. Figure 6 shows the total bankruptcy filings per judge for each of the bankruptcy courts in the Sixth Circuit.

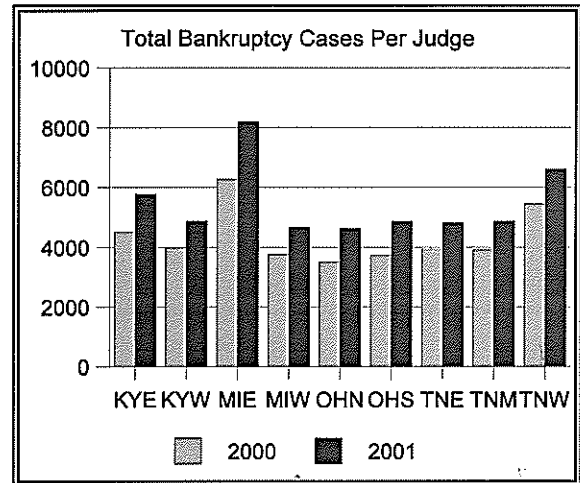


Figure 6

Chapter 7 filings increased circuit-wide by over 31 percent in 2001. Figure 7 shows the comparison of the Chapter 7 filings per judgeship for each district of the circuit for the last two years.

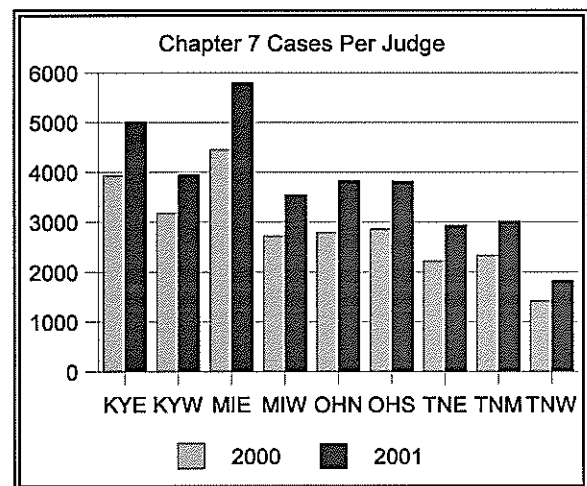


Figure 7

Chapter 11 filings circuit wide increased by 43 percent in 2001. **Figure 8** shows the chapter 11 bankruptcy filings per judge for each of the bankruptcy courts in the Sixth Circuit for the last two years.

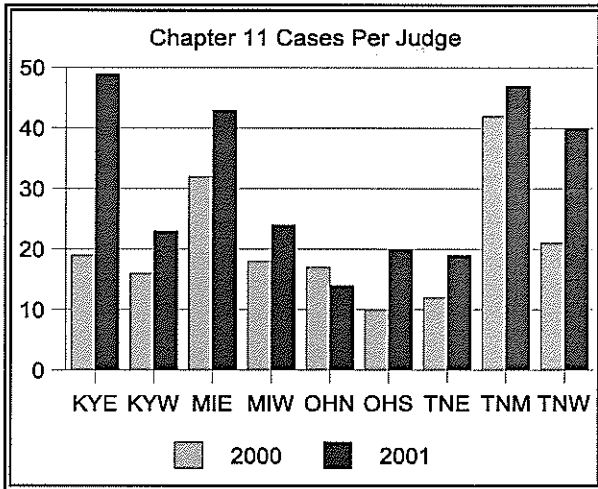


Figure 8

Chapter 13 cases increased by 18 percent during 2001. **Figure 9** shows the chapter 13 bankruptcy filings per judge for each of the bankruptcy courts in the Sixth Circuit for the last two years.

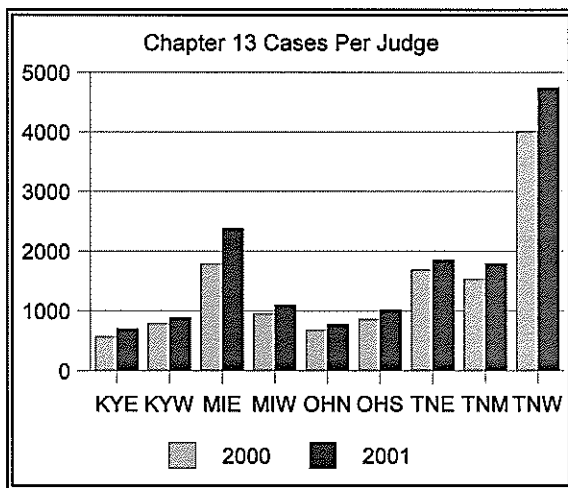


Figure 9

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



*The Judges of the Court*

*Front Row, left to right, Judges Nelson, Jones, Merritt, Martin, Kennedy, Guy and Boggs  
Back Row, left to right, Judges Gilman, Cole, Daughtrey, Siler, Suhrheinrich, Batchelder,  
Moore and Clay.*

*Report of the  
United States Court of Appeals  
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*The Judges of the Court*

*Front Row, left to right, Judges Nelson, Jones, Merritt, Martin, Kennedy, Guy and Boggs  
Back Row, left to right, Judges Gilman, Cole, Daughtrey, Siler, Suhrheinrich, Batchelder,  
Moore and Clay.*

**OFFICE OF THE CLERK**

Leonard Green, Clerk  
Janice E. Yates, Chief Deputy Clerk

Case dispositions, although down marginally from last year's level, still exceeded filings for the third year in a row.

As the court moves forward with half of its statutorily authorized judgeships vacant, it can take some measure of solace from the fact that over the past year the pressure of new case filings has eased somewhat. For only the second time in the last decade new filings fell below the level of the previous year.

Overall new filings in 2001 decreased by 4.8%, while dispositions decreased by 0.8%. The following charts give a detailed view of filings and dispositions for the past three years, as well as the sources of those filings:

FILINGS AND DISPOSITIONS BY CASE TYPE

	FILINGS			DISPOSITIONS		
	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
Fed. Question	712	745	637	649	691	667
Diversity	387	389	360	336	358	322
Criminal	888	885	803	907	875	961
Civil Rights	631	701	530	818	712	667
Pris. Civil Rights	520	452	456	648	552	479
Habeas Corpus	1068	1063	1090	955	1108	1085
Social Security	94	83	77	86	93	79
Agency	68	89	96	95	69	86
NLRB	63	47	66	80	59	53
Tax Court	18	10	14	19	24	11
Bankruptcy	75	95	66	73	79	77
Mandamus	48	55	77	66	72	54
Pris. Mandamus	67	59	48	43	58	46
2nd/Successive	<u>212</u>	<u>313</u>	<u>426</u>	<u>163</u>	<u>274</u>	<u>394</u>
	4851	4986	4746	4938	5024	4981

SOURCES OF FILINGS

<u>APPEALS</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
Ohio - Northern	761	817	693
Southern	671	653	482
Kentucky - Eastern	318	345	280
Western	288	332	227
Michigan - Eastern	958	938	1094
Western	433	378	342
Tennessee - Eastern	330	312	314
Middle	234	246	258
Western	381	392	329
Tax Court	18	10	14
Petitions to Review Agency Decisions	132	136	162
Mandamus Petitions (non-prisoner)	48	55	77
Mandamus Petitions (prisoner)	67	59	48
Leave to File 2nd/Successive §§2254/2255 Petitions	<u>212</u>	<u>313</u>	<u>426</u>
	4851	4986	4746

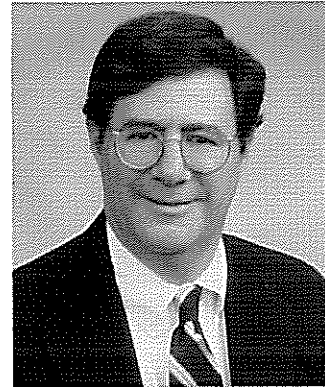
Substantial declines in new filings of federal question, diversity, civil rights, and criminal appeals were only partially offset by an increase in habeas corpus and motion to vacate sentence activity, resulting in the overall decline in filings. Pro se and prisoner filings in 2001 accounted for 49% of all cases brought to the court.

Despite having the largest number of vacant judgeships of any of the circuits, the court continues to maintain its long-standing commitment to bring appeals to as expeditious a resolution as possible, and to offer the opportunity for oral argument in as many cases as possible. The court is grateful for the high level of assistance it receives from its own senior circuit judges, those from other circuits, and from the many district judges from

within the Sixth Circuit who take time out from their own demanding dockets to render invaluable help to the court of appeals, so that it can maintain a vigorous oral argument calendar.

The most vexing element of the court's workload continues to be its death penalty docket. As 2001 dawned there were nearly 50 appeals brought by death-sentenced state prisoners pending on the court's docket, each of which calls for an enormous investment of judicial resources to plumb the extensive record to identify those issues which must be resolved in order that each case receive the full measure of thoughtful attention it requires. There were 18 death penalty appeals filed in 2001, and it is expected that at least that many more will be filed in 2002.

In order to provide an environment in which appeals proceed smoothly through the various procedural stages and on to submission on the merits, the clerk's office works closely with counsel, district court personnel, court reporters, and other necessary parties to ensure that the requirements of the Federal Rules of Appellate Procedure and the Sixth Circuit Rules are understood and complied with. The local rules and procedures are constantly evolving bodies which owe much of their currency and vitality to the efforts of the Advisory Committee on



*Leonard Green  
Clerk*

Rules, a body charged with bringing the perspective of the practicing bar to the court's consideration of matters of rule and procedure. The court deeply appreciates the dedication of the members of the Advisory Committee.

The clerk's office is pleased to provide technical, administrative, and logistical support to the Bankruptcy Appellate Panel of the Sixth Circuit, as it has since that body's inception in 1997. The office looks forward to supporting the BAP as it continues to contribute to the jurisprudence of the circuit.

The clerk's office remains unwavering in its commitment to provide the highest level of service to the court and those who come before it, and to that end it always welcomes suggestions on how it can serve the court, the bar, and the litigating public.

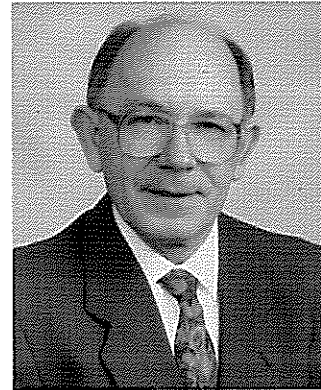




**OFFICE OF THE  
STAFF ATTORNEYS**

*Kenneth A. Howe, Jr.*  
*Senior Staff Attorney*

*Michael Cassady*  
*Joseph C. Merling*  
*Supervisory Staff Attorneys*



*Kenneth A. Howe, Jr.*  
*Senior Staff Attorney*

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

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

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

The staff attorney office presents applications for a certificate of appealability in habeas corpus and motion to vacate cases to a single judge. Rulings which deny such applications dispose of the cases. The office also presents motions seeking permission to file a

second or successive habeas corpus petition or motion to vacate to three judge panels.

The office reviews all *pro se* and prisoner-related cases for proper appellate jurisdiction. A research memorandum for consideration by a motions panel of the court is prepared in cases lacking proper appellate jurisdiction or where a substantive motion is filed.

The office prepares certificates of appealability in death penalty cases. The office will also be creating a death penalty handbook for the court, covering the law of the three states in the circuit which utilize capital punishment.



## ***ANNUAL SIXTH CIRCUIT LIBRARY SYSTEM REPORT: 2001***

by Kathy Joyce Welker  
Circuit Librarian

Sixth Circuit Librarians have worked, during these fiscally conservative times, to accomplish the goal of identifying and meeting each court researcher's needs for research support services. These efforts can be illustrated by describing five major developments in 2001 affecting court libraries and other research support services. These developments include (1) the Sixth Circuit Library System Collection Development Policy and the Sixth Circuit Library System Collection Development Implementation Plan adopted by the Sixth Circuit Judicial Council Committee on Libraries, (2) the establishment of a fully functioning Collection Development Committee consisting of Librarians, (3) completion of a nationwide study resulting in the Final Report of the Lawbooks and Libraries Study that was approved by the Judicial Conference of the United States, (4) completion of the design phase and nearing completion of the implementation phase for consolidating lawbooks information onto the ILS and its accessory tools and (5) the implementation of FAS<sub>4</sub>T and the ILS-FAS<sub>4</sub>T interface.



*Kathy Joyce Welker  
Circuit Librarian*

The development of a circuit-wide Collection Development Policy that incorporates policies for all locations in the circuit where research materials are housed (including staffed libraries, chambers collections and court office collections) is a major accomplishment. Under oversight from the Sixth Circuit Judicial Council's Committee on Libraries comprised of Circuit and District Judges, the Librarians have analyzed needs for research support materials and created a clear statement of collection development priorities and plans on how these priorities will be implemented. The final draft of this policy and implementation plan was approved by the Committee on Libraries on June 24, 2001. Since that time this policy and plan have been the road map Librarians have followed in making decisions about purchases and about whether to maintain subscriptions already in place.

A major feature of the Collection Development Policy is the use of a Collection Development Committee consisting of four Librarians. With a permanent Chair, the membership rotates annually among Satellite Librarians so that in a 3-year period each Satellite Librarian will have served on the Committee for one year. This Committee now meets regularly to review requests for materials from all Librarians and applies the Collection Development Policy to its decisionmaking process. Because this committee is looking at circuit-wide needs for materials as opposed to only local perceptions of need, Librarians have been able to make more economical use of funds available for the purpose of locating research materials in our library collections.

Nationally, a comprehensive study of lawbooks and federal court libraries has been completed. Judges, law clerks and other researchers were surveyed as part of this study. The Final Report of the Lawbooks and Libraries Study was approved by the Judicial Conference of the United States in 2001. Findings from this study have underscored that court researchers still rely on both printed research materials and those obtainable online. While recognizing the need for hard copy materials, the study also encourages the use of online resources and

encourages Librarians to provide or coordinate the provision of increased training on the use of online services. Sixth Circuit Librarians are relying on the results of this study to help them tailor more precisely our provision of research support services to the perceived needs of our primary clientele.

Work has continued unabated on fully implementing the Integrated Library System (ILS). Areas of concentration in 2001 revolved around establishing appropriate inventory records for all book collections, tracking online the receipt of subscription materials, follow-through in claiming materials not received, adding holdings records to the online catalog, documenting the basis for decisionmaking when items are purchased and cancelled, and linking the online catalog to Internet sources. Until now, many of these applications could only be viewed as potentially useful. Now, these applications are operational and are proving to be very valuable as we track the work that is done by all library staff to assure that we are spending money wisely and prudently.

FAS<sub>4</sub>T is a new financial system that has been made available to the courts. It was installed in the Sixth Circuit, including the library, in 2001. The financial and security controls inherent in

FAS<sub>4</sub>T impose upon users a discipline that assures adherence to correct financial practices. However, FAS<sub>4</sub>T (unlike the ILS) was never designed so that it could be used as a sufficiently detailed record keeping system for tracking the procurement of lawbooks and other research support materials. Therefore, to take advantage of FAS<sub>4</sub>T's special features, an interface had to be developed that would electronically communicate between FAS<sub>4</sub>T and the ILS. The Sixth Circuit Library System was chosen by the AO to serve as the test, and therefore first, site for the installation of this ILS-FAS<sub>4</sub>T interface. Sixth Circuit staff members were heavily involved in this development and installation. With the new interface becoming operational, this circuit's library system was the first to have taken advantage of the unique qualities of both FAS<sub>4</sub>T and the ILS assuring that a good accounting system and a good book ordering system can work in tandem. Book procurement is now being tracked in an even more financially sound manner.

In conclusion, library staff continue to strive to balance the need to be fiscally responsible with the need to provide readily available research support and sources to each researcher in the Circuit. This balancing act is necessary in a climate where funding resources have been constricted. Simultaneously, staff

work to take full advantage of technological offerings that can help make library services more immediately available to the researcher's desktop while balancing this potentiality with the preferences and capabilities of researchers throughout the Circuit. That is, we need

to meet the researcher where he or she is and tailor our support and services to that individual's unique needs. Efforts to accomplish this goal have been ongoing and will continue into future years of service to the federal judiciary.

**OFFICE OF THE CIRCUIT MEDIATORS**  
*Calendar Year 2001*

	<u>2001</u>	<u>Average for Prior 3 Years</u>
Total Cases Mediated	<b>962</b>	987
Total No. Settled*	<b>425</b>	434
Overall Settlement Rate	<b>44%</b>	44%
Bap Cases Mediated	<b>43</b>	44
No. Settled	<b>21</b>	24
Settlement Rate	<b>46%</b>	54%
Cases Referred by Hearing Panels	<b>11</b>	11.3
No. Settled	<b>2</b>	6.3
Settlement Rate	<b>18%</b>	56%*

The mediation office initiates and facilitates confidential settlement discussions among parties and/or their counsel in many Sixth Circuit civil appeals and in most Bankruptcy Appellate Panel (BAP) cases. Procedures for both are essentially the same. Goals secondary to settlement and dismissal of appeals include clarification and refinement of the

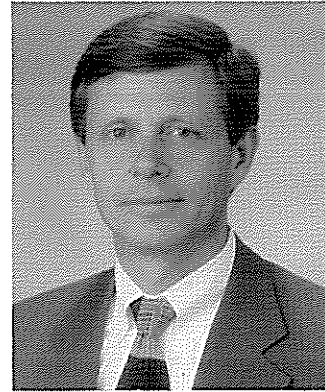
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\* The Mediation Office counts as settlements all cases that terminate without judicial involvement after the initiation of mediation activity. Some of these are counted by the Court as "voluntary dismissals" and "dismissals for want of prosecution." Thus, the Program's reported statistics typically differ slightly from the Clerk's central statistics.

issues to be presented on appeal, and prevention or elimination of procedural problems that can be avoided by agreement.

Historically, most Sixth Circuit appeals chosen for mediation conferences are selected randomly from the pool of cases considered most amenable to mediation, although confidential requests for mediation are nearly always granted. The pool includes all fully counseled civil cases except agency (such as tax and Social Security) and prisoner cases. Routinely by-passed are all Sixth Circuit and BAP appeals with pending motions, show cause orders, or apparent jurisdictional problems. With the seventeen percent decrease in filings of conference eligible Sixth Circuit cases this year, nearly all eligible Sixth Circuit cases were mediated.

The great majority of initial conferences are conducted by telephone because phone conferences are more convenient for counsel to attend and somewhat faster, typically lasting sixty to ninety minutes. In light of recent survey responses from the bar indicating that in person conferences might be more effective, the program is experimenting with more in person conferences to see if the likelihood of settlement goes up appreciably when lawyers meet face to



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

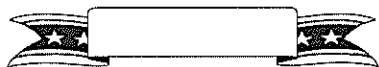
face. Thus, at least for awhile, initial conferences in cases in which all counsel live no more than a one hour drive from Cincinnati are being routinely scheduled as in person conferences.

The office employs five mediators. Two work less than full time, though none have other employment. They range in age from mid-forties to early-eighties, and in years of service as Court mediators from three to twenty years. All are lawyers, with varied prior experience, and all have extensive mediation and/or negotiation training. All are based in Cincinnati. While each mediator's style may differ, most adopt a more facilitative approach, that is, they are more likely to try to assist counsel in evaluating the merits of the issues on appeal than to urge specific solutions.

The Circuit Mediators welcome suggestions for how they can better serve parties or counsel in any particular case or

in general. Counsel are invited to call or write with ideas before their conferences or at any other time.

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



### ***AUTOMATION SUPPORT UNIT***

*William M. Eggemeier*  
*Assistant Circuit Executive*

*Michael Nagel*  
*Systems Manager*

*Michael Davison*  
*Data Network Administrator*

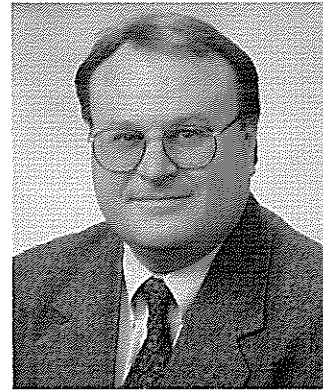
The Automation Support Unit provides automation training, support and maintenance for the judges and staff of the U.S. Court of Appeals for the Sixth Circuit. In addition, the automation staff maintains the automated case management system for the court. This system is used to maintain the court's docket, track cases, help prepare the oral argument calendar, and provide information on cases to the judges, court staff, the lower court, the bar and the public. The Automation Support Unit also coordinates office automation,

telecommunications and computer network activities with the district, bankruptcy, probation and pretrial offices within the Sixth Circuit.

The Automation Support Unit maintains the court's website on the Internet. The site includes access to the U.S. Court of Appeals for the Sixth Circuit's docket information, published opinions, oral argument calendar, local rules and operating procedures, and a variety of status reports on appellate cases. Also, the site contains a number of appellate forms (e.g., *Notice of Appeal*, *Attorney Admission*, *Transcript Purchase Order* and forms associated with CJA appointments). In addition, the site provides information relating to the Sixth Circuit Judicial Council and Circuit Executive Office (e.g., pattern jury instructions, bankruptcy judge selection procedures, and information about the circuit judicial conference). The Internet address for the Sixth Circuit's website is [www.ca6.uscourts.gov](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 however is available as part of PACER. PACER (Public Access to Court Electronic Records) is a public access service of the federal judiciary that allows users to

obtain case and docket information from Federal Appellate, District and Bankruptcy courts, and from the U.S. Party/Case Index. There is a per page charge for PACER information and you must have an account with the PACER Service Center before PACER information is available to you. To find out how to get a PACER account, visit the PACER Service Center on the Internet at: [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov).



*William M. Eggemeier  
Assistant Circuit Executive  
for Automation*





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



*Rendering of the new  
United States Courthouse  
London, Kentucky*

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



*Rendering of the new  
United States Courthouse  
London, Kentucky*

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

**ANNUAL REPORT**

**Court Personnel.** The District has six active District Judges (the sixth judgeship is shared with the Western District of Kentucky) plus three Senior Judges. In December 2000, Chief Judge Henry R. Wilhoit, Jr. took senior status followed by Judge William O. Bertelsman in January 2001. In addition, in 2001, the District received one additional District Judgeship. Four of our six jury divisions of the Court have a full time U. S. Magistrate Judge. There are three full-time Pro Se Law Clerks, 52 employees in the Clerk's Office and 54 employees in the Probation Division.

**The Three New District Judges.**

- **Judge Karen K. Caldwell** - Judge Caldwell began her service on the Court on November 13, 2001. She is a graduate of Transylvania University and the University of Kentucky College of Law. Prior to entering private practice she was Assistant United States Attorney for three years before becoming U. S. Attorney for the Eastern District of Kentucky. Following her Government service, Judge Caldwell was counsel for Robinson and McElwee, a Partner in Breeding, Cunningham, Dance & Cress, LLP and a Partner in Dinsmore & Shohl, LLP just prior to her appointment to the Bench. Her

duty station is London, Kentucky, while also serving on part of the Pikeville docket.

- **Judge Danny C. Reeves** - Judge Reeves began his service on the Court on December 31, 2001. He is a graduate of Eastern Kentucky University and Northern Kentucky University's Salmon P. Chase College of Law. He served as law clerk to United States District Judge Eugene E. Siler, Jr. At the time of his appointment to the bench, he was a Partner in Greenebaum, Doll & McDonald PLLC and Chair of the firm's Lexington Practice Group. His duty station will be London, Kentucky while also serving on part of the Pikeville docket.

- **Judge David L. Bunning** - Judge Bunning began his service on the Court on February 21, 2002. He is a graduate of the University of Kentucky and the University of Kentucky College of Law. He began his legal career as Assistant United States Attorney for the Eastern District of Kentucky at Lexington. Prior to his appointment he was Assistant United States Attorney in the Covington Division of the Court. His duty station will be Covington, Kentucky, while also serving on part of the Pikeville docket.

**Space and Facilities.** In July 1999, the new Covington Courthouse was occupied by the District and Bankruptcy Courts. The five story structure, winning several architectural awards, contains 114,055 square feet including 5 chambers with courtrooms.

The ceremonial courtroom has state of the art electronics.

The new London Courthouse will be occupied by the District Court in April 2002. The 89,340 square foot, four floor structure will be connected by a plaza with the old historic courthouse to be occupied after restoration by the Bankruptcy Court. The new courthouse has two district chambers and courtrooms (one with state of the art electronics) and one magistrate's chambers and courtroom. In addition, the new structure will have a Circuit Court of Appeals Judges's chambers and a central law library.

The addition of three new active judges has caused a realignment of space and duty stations. Lexington has three active district judges. Before September 2001, it had one district judge. London will have two active district judges as well as Covington with one active judge. Each of those divisions has a senior judge. The Senior Judge at London is located in leased space. Ashland will have a full-time Senior Judge. The Frankfort and Pikeville jury divisions will have no resident judges.

Because of overcrowded conditions in Lexington, steps have been taken to construct a new courthouse for Lexington under the five year facilities plan. The present courthouse is being remodeled to provide for a judge's private office and a standard courtroom in the

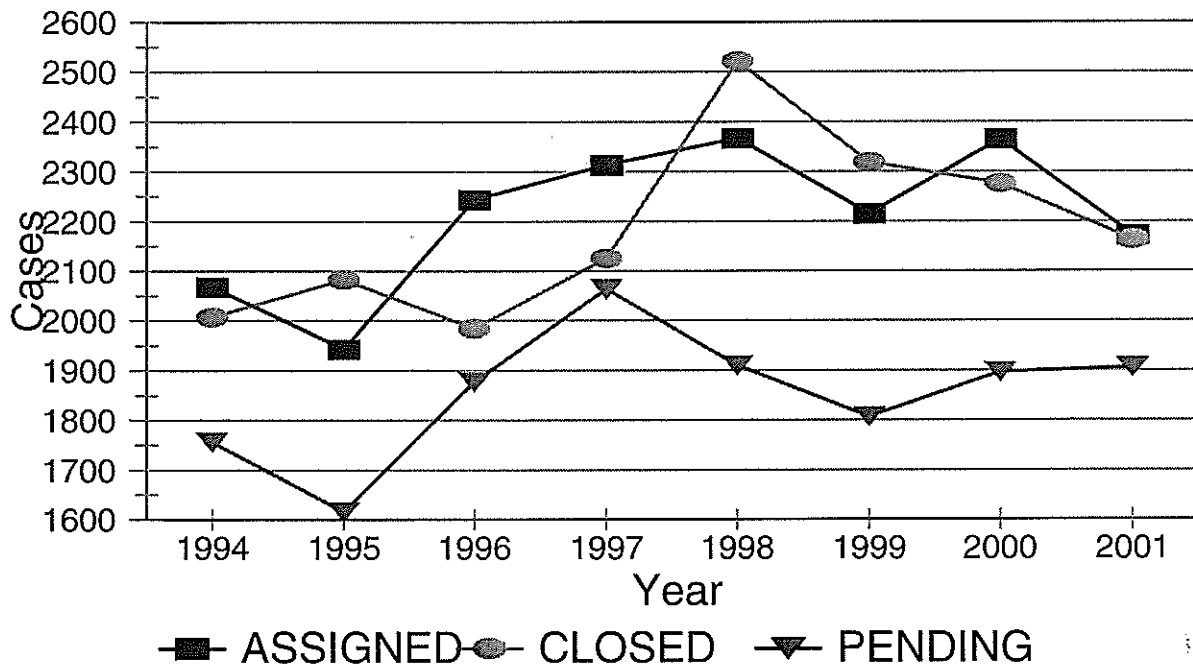
old first floor post office space. The probation division has moved to leased space.

*Case Filings.* The Eastern District has experienced a decline in social security filings which reflect a lower civil caseload from 2000 highs. Likewise, there has been a decline in criminal filings. Appended are Exhibits "A" and "B" showing graphically caseload statistics from 1994-2001.

Respectfully submitted,  
Karl S. Forester  
Chief U. S. District Judge

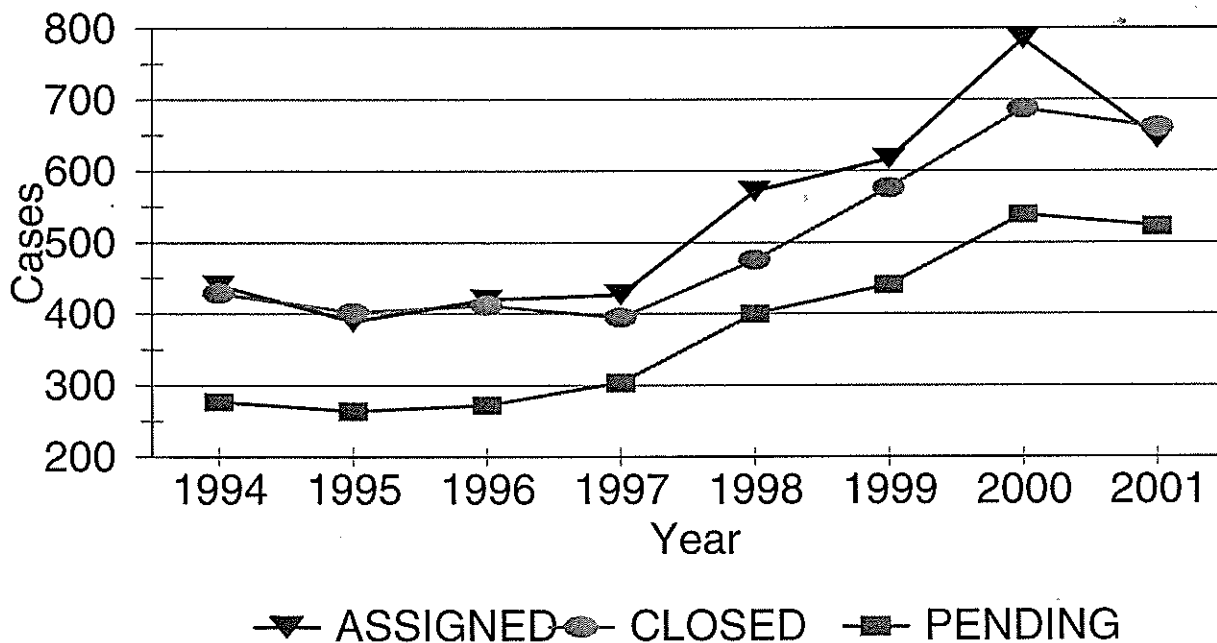
# US District Court, E.D., Ky

## Civil Case Statistics for 1994-2001



# US District Court, E.D., Ky

## Criminal Case Statistics 1994-2001



*UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY*

*ANNUAL REPORT*

Judge John G. Heyburn II assumed the duties of Chief Judge on December 1, 2001 upon the expiration of the term of Judge Charles R. Simpson III.

Under Judge Simpson's leadership over the last seven years, the court has made significant progress in the areas of space renovation, automation application development, international relations with courts from other countries and fostering great collegiality among the judges and staff in the court. We deeply appreciate his service. Indeed, he deserved the honor of the "Judge of the Year Award," which he received from the Louisville Bar Association in 2001.

In addition to the change of chief judges, Darrel Gordon, our Chief Probation Officer of six years, has announced his retirement, effective at the end of 2002. Darrel has done an outstanding, innovative job during his term. We will miss him.

*Centennial Celebration*

In 1901 Congress divided the District of Kentucky into two districts, thus creating the Western District. To honor our 100<sup>th</sup> anniversary as a court, we formed a centennial committee chaired by Marvin L. Coan, Esq.,



*Hon. John G. Heyburn II  
Chief Judge*

and composed of Matthew J. Baker, Douglas C. Ballantine, Stacey A. Blankenship, Matthew W. Breetz, John K. Bush, Douglas C. E. Farnsley, Kimberly K. Greene, U. S. Marshal E. Douglas Hamilton, K. Gregory Haynes, Michael R. Mazzoli, Charles G. Middleton III, Winston E. Miller, U. S. Attorney Steven Pence, Kathryn A. Quesenberry, former U. S. Attorney Steven Reed, Dean Laura Rothstein, Jeff S. Taylor, R. Kent Westberry and Jeffrey A. Apperson, as ex officio. Due to this committee's efforts, which are gratefully recognized, a book was written, "A Century in Celebration," authored by Professor Leslie Abramson of the Brandeis School of Law, edited by Sam Thomas, a historian versed in our local history and produced by Butler Book Publishing. The composition of this book was truly a collaborative effort by the whole court and community.

In addition to the publication of our court history, the public broadcast station for Kentucky, KET, graciously filmed a panel discussion of the history of the district. Included on the panel were former Kentucky

Supreme Court Justice Walter Baker, Professor Emeritus Thomas M. Clark of the University of Kentucky, John T. McGarvey, Scott Merriman, Linda Raymond and Mr. Al Smith.

As a grand finale to our year of celebration, the court hosted a gala dinner on November 17, 2001 at the Crystal Ballroom of the Brown Hotel. Over 400 people attended, including many family members of judges who had served the court. Family members of Judges Ballantine, Bratcher, Gordon, Brooks, Shelburne and Allen were recognized. In addition, Mark Meredith, son of Judge Ron Meredith, helped with research for our book. Professor John W. Reed, the Thomas M. Cooley Professor of Law Emeritus at the University of Michigan School of Law gave the keynote address. Miss Kentucky, Monica Hardin, sang the National Anthem. Rev. Robin Jennings, Rector, St. Francis in the Fields Episcopal Church gave the invocation and the presentation of colors were conducted by the University of Louisville's ROTC. Chief Judge Boyce F. Martin, Jr., gave congratulatory remarks on behalf of the Circuit. It was a memorable occasion and celebration.

### *Workload*

Overall, the civil caseload for the district has remained relatively stable over the past three years. Criminal filings have increased over the last three years with 234

criminal cases filed in 1999, 250 criminal cases were filed in 2000 and 292 criminal cases were filed in 2001. One factor contributing to this increase is the recent opening of a United States Attorney's divisional office in Paducah.

We have made steady progress in reducing our civil case disposition times. In 1994 our average civil case disposition time was 12 months. As of June 30 of 2001, it was 8.2 months and tied for first in this category in the circuit. Much of this progress can be attributed to Senior Judge Ed Johnstone continuing to take a substantial assignment of cases and our outstanding magistrates. For fiscal year 2001, the magistrates held 243 settlement conferences with a resulting settlement rate of 60 to 70 percent. The highest number of settlement conferences held in the circuit. The magistrates also presided at 605 pretrial hearings and ruled on 1,434 non-dispositive civil motions. In criminal utilization areas, the magistrates disposed of 1,577 petty offenses and 397 misdemeanor cases were commenced due to our district being the residence of two large military installations.

The probation office's presentence report workload increased from 305 reports in 2000 to 333 reports in 2001. Persons under supervision increased from 560 in 2000 to 625 in 2001. The probation office does an outstanding job.

### ***Sister Court Relationship***

The Western District of Kentucky has continued its ongoing sister court relationship with the District Court of Istria, Croatia. In August we hosted the President of the District and three other judges from Istria for five days. The Croatian judges also attended the Court Technology Conference in Baltimore with Judge Charles R. Simpson III and our Clerk of Court, Jeffrey A. Apperson. In September, Judge Simpson and Jeff Apperson attended the Istrian Court's Annual Conference where Judge Simpson made a presentation about Alternative Dispute Resolution Techniques in the United States.

We are continuing to develop this relationship. Indeed, at the last meeting of the International Relations Committee of the Judicial Conference, Judge Simpson provided important elements to consider in forming sister court relationships. Hopefully, other courts will form similar institutional relationships.

### ***Building Renovations***

The court completed several major renovations last year. Courtrooms I and II in Louisville were restored to reflect their original 1932 design. Other major structural projects that were planned and currently in the process of construction are electronic courtroom installations in all court locations

that will include video conference capabilities. Also, new phone systems were installed in Bowling Green, Owensboro and Paducah.

### ***National Participation***

The clerk's office continues to be one of the lead courts in the country in participating in project implementation. Brenda Steutermann is one of the most utilized Financial Managers in the country in assisting in the successful implementation of FAS4T. Donna Jolliffe, Procurement Administrator, and Ross Anderson, Systems Manager, have also been deeply involved in implementing this project. Milton Clark, Assistant Systems Manager, is on the Jury Management Workgroup. Barbara Cravens, Operations Manager, is on the Work Measurement Workgroup. Mr. Apperson is the President-elect of the Federal Court Clerks Association and a member of the budget workgroup. Also, Darrel Gordon is a member of the Chief Probation Officers Advisory Committee.

In October, Judge Heyburn hosted four local high schools for the national "Open Doors of Justice" program administered by the Public Relations Office of the Administrative Office of the U. S. Courts. Over 75 juniors and seniors in high school participated in this enlightening discussion of the Bill of Rights.

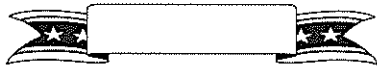


## *Judicial Conference Committees*

Chief Judge John G. Heyburn II serves as Chair of the Budget Committee, which has the important responsibility of presenting and defending the judiciary's budget before subcommittees of the United States Senate and House of Representatives. Judge Charles R. Simpson III is a member of the Committee on the Administration of the Bankruptcy System. Judge Thomas B. Russell is on the Advisory Committee on Civil Rules of Procedures. Judge Jennifer B. Coffman is a member of the Judicial Resources Committee and Magistrate Judge James D. Moyer is a member of the Federal-State Jurisdiction.

We have great pride in our district, those who work for the court, those that serve on the court and those we serve.

Respectfully submitted  
John G. Heyburn II  
Chief Judge



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

### *2000/2001 BIENNIAL REPORT*

*September 11, 2001.*

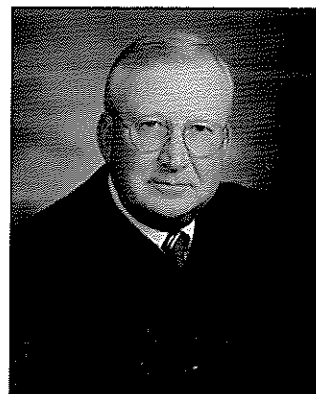
Like all Americans, the United States District Court for the Eastern District of Michigan was deeply saddened by the tragic events of September 11, 2001. The Court acknowledges and commends the United States Marshals Service, Court Security Officers and Federal Protective Service for the serious dedication they continue to exhibit in the aftermath of the events of September 11<sup>th</sup> and for rendering exceptional and innovative security service to this entire Court and the local community. The Court also acknowledges the loyalty and dedication of Federal Protective Service Officer Ronald Sheffield, who was killed in the line of duty at the Patrick V. McNamara Building in Detroit on September 21, 2001.

### *Court Ceremonies.*

On December 11, 2000, a ceremony dedicating a portrait of Senior Circuit Judge Damon J. Keith to the District Court was held. Judge Keith, a former chief judge in the Eastern District of Michigan will have his portrait on display in the Chief Judge's courtroom (Room 730) in Detroit.

On June 1, 2001, a ceremony dedicating a portrait of Judge James P. Churchill to the Court was held. Judge Churchill's portrait hangs in the district judge courtroom in Bay City.

On September 4, 2001, a ceremony dedicating a portrait of Judge Robert E. DeMascio to the Court was held. Judge DeMascio's portrait hangs in the courtroom in Detroit he occupied for so many years (Room 707).



*Hon. Lawrence P. Zatkoff  
Chief Judge*

### ***Judicial Officers.***

Senior District Judge Barbara K. Hackett retired from the Court effective March 1, 2000.

Marianne O. Battani took the oath of United States District Judge on June 9, 2000. The appointment of Judge Battani, whose official duty station is Ann Arbor, filled the judicial vacancy created by Judge Anna Diggs Taylor taking senior status. Prior to her appointment, Judge Battani served on the Wayne County Circuit Court for 18 years.

Upon the appointment of Judge Battani, the official duty station for Judge George Caram Steeh was changed from Ann Arbor to Detroit effective June 9, 2000.

David M. Lawson took the oath of United States District Judge on August 4, 2000. The appointment of Judge Lawson,

whose official duty station is Bay City, filled the judicial vacancy created by Judge Avern Cohn taking senior status. Prior to his appointment, Judge Lawson was an attorney with Clark Hill, PLC.

With the appointment of Judge Lawson, Judge Victoria Roberts' temporary assignment handling the Bay City caseload was terminated effective September 5, 2000.

District Judge Avern Cohn took senior status effective October 9, 1999. Judge Cohn continues to receive cases at the same rate as district judges in active service.

District Judge Patrick J. Duggan took senior status effective September 29, 2000. Judge Duggan continues to receive cases at the same rate as district judges in active service.

District Judge Paul V. Gadola took senior status effective January 31, 2001. Judge Gadola continues to receive cases at the same rate as district judges in active service.

As of December 31, 2001, the two vacant district judgeships created by Judges Duggan and Gadola taking senior status had not been filled.

In May 2000, recognizing that the needs of litigants at all court duty stations within the Eastern District of Michigan, and that the interests of the administration of justice are best served by avoiding a rotation of newly-confirmed judges assigned to brief, temporary duty stations, the Court approved a resolution which governs the assignment of newly-appointed judges to specific court locations for a specific minimum period of time.

Magistrate Judge Paul J. Komives continues to serve the Court in a recalled status through July 16, 2003.

Magistrate Judge Marc L. Goldman resigned from the Eastern District of Michigan effective July 3, 2001, to accept appointment as United States Magistrate Judge in the Central District of California. The Court voted to fill the vacancy created by the resignation of Magistrate Judge Goldman and appointed a Merit Selection Panel to consider applicants for this vacancy. The Court is

expected to appoint Magistrate Judge Goldman's successor in early 2002.

Magistrate Judge Charles E. Binder was reappointed to a third eight-year term beginning October 30, 2000 and ending October 29, 2008. Magistrate Judge Binder's official duty station is Bay City.

Magistrate Judge Virginia M. Morgan was reappointed to a third eight-year term beginning June 5, 2001 and ending June 4, 2009. Magistrate Judge Morgan's official duty station is Detroit.

#### ***Ralph M. Freeman Foundation.***

Judge Ralph M. Freeman served as a U.S. District Judge for the Eastern District of Michigan for over 35 years. Upon his death in March 1990, Judge Freeman left a bequest for the purpose of benefiting the United States District Court for the Eastern District of Michigan as an institution. For this reason, the Ralph M. Freeman Foundation was established on August 4, 1999.

In 1999, the Trustees of the Freeman Foundation established the Ralph M. Freeman Law School Scholarship which will award \$1,500 to a law student at each of Michigan's law schools on an annual basis. The Trustees also approved four \$1,500 scholarships to be awarded to students of full-time court employees of the Eastern District of Michigan on an annual basis.

The Court believes both of these scholarships will continue Judge Freeman's legacy of justice, advocacy and civility.

Following are the recipients of the Ralph M. Freeman Law School Scholarships for 2000 and 2001:

**Michigan State University - Detroit  
College of Law**

Everette "Trey" Ayers (2000)  
Lucius A. Vassar (2001)

**University of Michigan Law School**

Eve Brensike (2000)  
Matthew B. Andelman (2001)

**Thomas M. Cooley Law School**

Valerie Rice (2000)  
Blair T. Lachman (2001)

**Wayne State University Law School**

Douglas Salzenstein (2000)  
Sarah Pring (2001)

**University of Detroit Mercy School of  
Law**

Kristen M. Tolan (2000)  
Marc Lorelli (2001)

The recipients of the Ralph M. Freeman College Scholarships for Students of Full Time Employees for 2000 and 2001 were:

Adam Lee DiBartolomeo (2000)  
Son of Ronald DiBartolomeo, Court  
Reporter

Sara Mary Gullo (2000)  
Daughter of Katherine Gullo, Bankruptcy  
Court

Artan Courtney Hughes (2000)  
Daughter of Esther Collins, Pretrial Services  
Agency

Erin M. Keeler (2000)  
Daughter of David Keeler, Probation  
Department

Ileah Mare' (2000)  
Daughter of Marlene Robinson, Probation  
Department

Ryan Joseph Przybysz (2001)  
Son of Lawrence Przybysz, Court Reporter

Ashleigh Martin Ronayne (2001)  
Daughter of Debora Martin Ronayne,  
Bankruptcy Court

Shalyn Joi Stewart (2001)  
Daughter of Glynis Trimm Averytte,  
Bankruptcy Court

Andrew Kent Vieweg (2001)  
Son of Jane Johnson Gilbert, District Court

***Bankruptcy Court.***

In April 2000, the Court approved to continue the designation of bankruptcy judges to conduct jury trials with the consent of the parties. This approval remains in effect for two years.

***Facilities.***

On July 28, 2000, a major flood occurred at the Theodore Levin United States Courthouse in Detroit. The flood was the result of a thunderstorm which caused several storm drains in the building to burst under

intense water pressure. The Court experienced property damage in excess of \$100,000 to judges' courtrooms, chambers and the Clerk's Office. GSA refused to reimburse the Court for any costs related to the damage that was incurred. The Clerk's Office damage was most severe, resulting in extensive damage to official court records, computers and furnishings. Ironically, GSA originally installed the drains that failed knowing the design was inadequate and then after the flood, "repaired" the drains using the same faulty engineering design.

The arraignment courtroom on the 1<sup>st</sup> floor of the Courthouse in Detroit will be undergoing a renovation and will ultimately be tied directly into the new detention facility for the Marshal Service.

The large multi-use space adjacent to the arraignment courtroom will be developed into a special proceedings courtroom which will be used for naturalization ceremonies, special sessions of court and high-risk trials.

Senior judge chambers are in the process of being constructed on the 10<sup>th</sup> floor of the Courthouse in Detroit. There will be one courtroom and one hearing room associated with the new chambers which can accommodate four senior judges.

The Chief Judge's historical courtroom in Detroit is also undergoing historical renovation. The project will result in

enhanced lighting and other general restoration work.

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

On June 1, 2001, administrative orders were entered suspending those portions of local rules that related to the assignment of social security cases and special civil cases for a one-year period not to exceed May 31, 2002. This program was adopted by the Court in response to a study that showed the Northern Division receiving an unusually high number of social security and special civil case filings. During this one-year period, all social security cases and special civil cases will be assigned using a district-wide draw which will ensure that these cases are assigned more evenly throughout the district.

***Pro Bono.***

The Court has three programs in place for making pro bono assignments in prisoner and non-prisoner civil cases. Non-prisoner cases are referred to attorneys through the Michigan Trial Lawyers Association. Some prisoner cases are being referred through a Wayne State University Law School class under the supervision of Professor Erica Eisinger. Prisoner cases are also referred to volunteer attorneys under a program coordinated by the Court's Pro Bono Committee.

***Employee Appreciation Day.***

In October 2001, the following RESOLUTION OF APPRECIATION was signed by Chief Judge Lawrence P. Zatkoff:

The Judges of the United States District Court for the Eastern District of Michigan acknowledge and applaud the hard work and dedication exhibited by the employees of the Court, including those from the District Court Clerk's Office, Probation Department and Pretrial Services Agency. The Judges commend these employees on the pride and loyalty they display in serving this Court and the United States of America.

THEREFORE, IT IS HEREBY RESOLVED that the Judges of the United States District Court for the Eastern District of Michigan, in recognition of our employees' achievements and service, HEREBY DECLARE Monday, November 5, 2001, as Employee Appreciation Day. This event will be celebrated by a gathering of all Court staff at 3:00 p.m. in Room 115 Theodore Levin United States Courthouse.

During the event, eligible employees were presented with length-of-service awards. All employees present received U.S. flag or ribbon lapel pins. The event was well received by all court staff.

***Judicial Conference of the United States.***

Chief Judge Lawrence P. Zatkoff was elected to serve on the Judicial Conference of

the United States as a representative of the district judges in the Sixth Circuit.

***Court Historical Society.***

Early in 2001, the Court approved the use of space on the 1<sup>st</sup> floor of the Theodore Levin United States Courthouse in Detroit as permanent exhibit space for the Court Historical Society. The space will include permanent and rotating exhibits and a computer kiosk to provide interactive information about the Court.

***Internet Access.***

The Court's Internet web site is now fully operational. It contains comprehensive information about the Court, including individual judge's practice information, opinions, local rules and other court information.

***Consolidated Automation Department.***

In October 2000, the Court combined the automation departments of the Clerk's Office, Probation and Pretrial Services offices into one consolidated automation and technology department. The consolidation was implemented to improve personnel utilization, reduce redundancy and to improve the overall level of automation service to the entire court. Mr. Stanley Bittner was selected as the manager of the consolidated department.

**U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN**

**ANNUAL REPORT**

***A Message from the Clerk  
Ronald C. Weston, Sr.***

There were a number of exciting projects, changes and improvements in 2001 of which we are very proud with the most notable being the implementation of the new Case Management/Electronic Case Filing (CM/ECF) system. The first electronic filing made by an attorney occurred on October 16, 2001. As of December 31, 2001, 193 attorneys were registered users on the system, and 7,117 documents had been electronically filed. Significant developments in 2001 include the elevation of Judge Robert Holmes Bell to Chief Judge, the State Bar of Michigan presenting the court with a Distinguished Service Award, in recognition of its significant contributions to the field of dispute resolution, and a major upgrade to the Financial Accounting System for Tomorrow (*FAS<sub>4</sub>T*) software, to name a few.

I want to thank the Clerk's Office staff for their support and hard work throughout the past year. Their efforts made the year a success. I also want to extend my gratitude to chambers' staff, the U.S. Marshal's Office, the U.S. Attorney's Office, the U.S. Probation Office, the Federal Public Defender's Office and the Western Michigan Chapter of the Federal Bar Association for their support and cooperation during the year.



***Western District of Michigan***

The United States District Court for the Western District of Michigan is one of two district courts in the State of Michigan. The district is spread over 37,000 square miles, encompassing the western half of the lower peninsula and the entire upper peninsula of the state. The district includes 49 counties divided into two divisions. The Northern Division consists of fifteen counties. The Southern Division consists of thirty-four counties. The court's headquarters is in Grand Rapids. There are three divisional offices located in Kalamazoo, Lansing and Marquette.

*Judicial Matters*  
*Judicial Officers*

The U.S. District Court for the Western District of Michigan has four Article III judges, two senior judges and four full-time magistrate judges located in four divisional offices throughout the district:

<b>District Judges</b>	<b>Location</b>	<b>Appointment Date</b>
Robert Holmes Bell, Chief	Grand Rapids	August 7, 1987
Richard Alan Enslen	Kalamazoo	December 27, 1979
David W. McKeague	Lansing	February 28, 1992
Gordon J. Quist	Grand Rapids	August 28, 1992
Wendell A. Miles, Senior	Grand Rapids	May 9, 1974
Douglas W. Hillman, Senior	Grand Rapids	September 28, 1979
<b>Magistrate Judges</b>	<b>Location</b>	<b>Appointment Date</b>
Hugh W. Brenneman	Grand Rapids	April 1, 1980
Timothy P. Greeley	Marquette	January 11, 1988
Joseph G. Scoville	Grand Rapids	January 28, 1988
Ellen S. Carmody	Kalamazoo/Grand Rapids	October 10, 2000

***Judicial Assistance Provided***

Chief Judge Bell, Judge McKeague and Judge Quist provided support to the Sixth Circuit Court of Appeals throughout the year and Judge McKeague provided judicial assistance to the U.S. District Court of Arizona (Tucson) and the Northern District of Illinois (Chicago).

***Alternative Dispute Resolution***

The Judges of the Western District of Michigan offer 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), Michigan (evaluative) mediation, court-annexed arbitration, summary jury trials, summary bench trials, mini-hearings and magistrate judge settlement conferences.

During calendar year 2001 there were 1,461 civil case filings in the district, including reopened cases. Of these, 839 cases were eligible for referral to ADR.<sup>1</sup> Of the 839 eligible cases, 384 (46%) were referred to ADR. The table below provides a comparison of the referrals, completions and rates of success for the various forms of ADR offered in the Western District of Michigan.

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<sup>1</sup> Exclusive of § 2255 motions, habeas corpus petitions, prisoner civil rights cases, prisoner petitions, social security appeals, student loan actions and bankruptcy appeals.



**ADR Comparison Table  
Referrals/ADR Completed  
January 1, 2001 - December 31, 2001**

	Mich. Med	VFM	ENE	ARB	SJT	SBT	Mini- Hearing	Magistrate Judge Settlement Conference	Total
Cases referred (% of referrals)	66 (16%)	114 (30%)	8 (4%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	196 (47%)	384
ADR completed	31	113	10	0	0	0	0	75	229
Settled (% settled as a result)	3 (10%)	77 (68%)	5 (50%)	0 (n/a)	0 (n/a)	0 (n/a)	0 (n/a)	31 (41%)	116 (51%)

The Voluntary Facilitative Mediation Program remains among the top ADR programs in the country in terms of cases settling as a result of mediation (68% since January 1, 1996). Responses to exit questionnaires by attorneys indicate an approximate \$5,385,505.00 in savings to litigants during 2001, with an approximate \$19,000,000 in savings to litigants since the court began offering facilitative mediation on January 1, 1996.<sup>2</sup>

***Hillman Advocacy Program***

The court continues to run the Hillman Advocacy Program in January of each year. The year 2001 marked the 20th anniversary of the Hillman Advocacy Program. Twenty-some years ago the Chief Justice of the United

States called for improvement in the courtroom skills of trial lawyers. Responding to this challenge, the Federal Bar Association, Western Michigan Chapter, with the cooperation of the judges and staff of the United States District Court for the Western District of Michigan, sponsored a two-and-one-half-day trial skills workshop in Grand Rapids. This program is designed not only for those who plan to become active trial lawyers, but also for those who wish to learn basic advocacy skills – regardless of the focus of their law practice. This learn-by-doing seminar gives approximately 70 young lawyers a unique opportunity to develop courtroom skills under the guidance of this area's outstanding trial attorneys.

***Automation***

In August, the court began using a prototype version of the new Case

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<sup>2</sup>This figure is under reported. Not all counsel whose clients settled through mediation indicate the amount of savings to their client on their questionnaire, nor do all counsel return the questionnaire.

Management/Electronic Case Filing (CM/ECF) system for all civil cases filed on and after August 1, 2001. After two months of using CM/ECF internally, the court began allowing attorneys to electronically file their own documents via the Internet beginning on October 1, 2001. In addition to the implementation of CM/ECF, several other notable enhancements and improvements were made:

- A major upgrade to the Financial Accounting System for Tomorrow (*FAS<sub>4</sub>T*) software was implemented. This upgrade required the coordinated efforts of the financial and automation staffs of the District Court, the Bankruptcy Court, the Probation/Pre-Trial Office and the Federal Public Defenders Office. As part of this upgrade, our district hosted conversion training that was also attended by representatives from the District of Kansas.
- Lotus CC:Mail was replaced with Lotus Notes.
- New Novell file servers were installed in Kalamazoo, Lansing and Marquette.
- New laptops were delivered to the Judges and Magistrate Judges, improving their access to the court's computers systems while in the office, on the bench or traveling.

- New laptops were purchased for use in all courtrooms.
- Several software upgrades were applied to the Jury Management System.
- The implementation of an application server continued offering improved remote access services for the Judges when they travel, for Judges and their staff when they travel to other districts or to our Marquette office and for other court staff who need to access our systems when traveling or when in other locations.

#### *Finance*

##### *FAS<sub>4</sub>T (Financial Accounting System for Tomorrow)*

The district continues to enjoy moderate success with the *FAS<sub>4</sub>T* accounting system which was implemented in May 2000. Understanding the value our mentor court personnel brought to the undertaking, the district's financial administrator provided mentor support to financial staff in the Western District of Louisiana, Northern District of Oklahoma, Middle District of Florida and Southern District of Ohio.

#### *Payment Vouchers*

The finance department processes payment vouchers for the District Court,

Bankruptcy Court, Probation and Federal Public Defender offices. Additionally, travel related vouchers are also processed for two judges from the Court of Appeals for the Sixth Circuit.

In calendar year 2001, the finance area processed 7,932 payment authorizations and 7,794 checks, an increase in checks processed from calendar year 2000. While the total number of vouchers processed in any given year remains fairly constant, beginning with calendar year 2000, a large increase in the number of vouchers were processed. This is a direct result of the implementation of *FAS<sub>4</sub>T* in the district in May 2000. In prior years, the district utilized a different accounting system to process payments; this system allowed for multiple payees on a single voucher (restitution/juror payments). With the implementation of *FAS<sub>4</sub>T*, each payee is assigned an individual payment authorization, resulting in what appears to be a significant increase from the previous years.

#### ***CJA Voucher Processing/Payments***

During calendar year 2001, the finance area processed 357 vouchers for payment. With the establishment of the Federal Public Defender's Office in 1995, payments related to reimbursement of attorneys and experts appointed under the Criminal Justice Act (CJA), excluding capital offense cases have historically been decreasing. After a minimal

increase in calendar year 2000, payment vouchers decreased in calendar year 2001.

Additionally, the court may order a defendant to reimburse the court for all costs of compensation and expenses incurred by their court-appointed counsel. An effort is made each year to collect funds owed by a defendant when so ordered by the court. Receivables are established and tracked on a monthly basis. Likewise, a statement of account, which serves as a recurring reminder of the obligation owed, is mailed monthly to each defendant. After a moderate increase in calendar year 2000, collections for this appropriation in calendar year 2001 reflected a decrease from the previous year.

#### ***Receivables Program***

In an effort to improve customer service, and avoid potentially lengthy processing delays for members of the bar, a Receivables Program was established in May 1997. This successful program allows law firms, sole practitioner attorneys or other business entities the ability to receive services without the standard requirement for prepayment of the necessary fees. Because of limited staff resources and the higher probability of potential uncollectible debt, general members of the public are still required to prepay fees before services are rendered. The types of receivables allowed by the court are limited to attorney admission

fees, sale of local court rules, copy fees, record searches and certifications.

During calendar year 2001, the finance office issued 449 invoices. Since it is the policy of the finance area to actively pursue the collection of all receivables and other statutory fees, we maintain a 99.4% collection rate.

### *Prisoner Litigation Cases*

Since the inception of the Prisoner Litigation Reform Act in 1996, receivable ledgers have been established for 1211 civil cases and 284 cases on appeal, with a total receivable amount of \$ 205,230. During this same period, funds in the amount of \$73,215, or 35.7% of the total amount owed, were received and posted to 907 established prisoner receivable accounts. Through 2001, a total of 286 cases have been paid in full.

### *Jury*

In 2001, the district selected petit jurors in 17 criminal cases and 18 civil cases, for a total of 34 trials. Of the 34 juries selected, 30 resulted in verdicts. Of the four remaining cases, one defendant pled and three cases settled after trial began. A total of 357 people were selected and sat as jurors.

The total number of jurors present for jury selection in 2001 was 1,275 which compares with 1,512 in 2000. Of those jurors

present 28% were selected and 28.70% were challenged.

Five grand juries met in 2001. Of those five, one completed their term of service and was discharged. Over a period of 89 days, 1,826 grand jurors met in session for a total of 482 hours or an average of 5.41 hours per day. Indictments were returned in 264 cases, while superceding indictments were returned in 21 cases.

### *Naturalization*

The judges of the district conduct court ceremonies for the administration of the oath of allegiance to new citizens. The naturalization ceremonies take place monthly at the Gerald R. Ford Museum in Grand Rapids and periodically in Marquette.

During 2001, the court naturalized 1,194 citizens in the Southern Division and 15 in the Northern Division. Together they represented more than 59 different countries.

### *Operations*

In 2001, 1,423 civil cases were filed. This figure is down 7% from the civil filings the Western District of Michigan had in 2000. But again in 2001, the number of prisoner civil rights filings remained low at 274 cases filed, which constitutes 19% of the civil case filings for the year. This is a significant 50% drop as compared with 1990-1995 (pre-Prisoner Litigation Reform Act), when

prisoner civil rights filings constituted a fairly steady 29-36% of the civil caseload in the Western District of Michigan.

In that same time period of 1990-1995, all prisoner filings (which include civil rights, habeas and motions to vacate sentence), constituted 40-47% of the overall civil caseload. In the time period of 1996-2001, however, that percentage dropped to a range of 32-43%. Habeas cases increased dramatically in 1997 and have remained fairly steady since. Motions to vacate, set aside, or correct sentence have fluctuated after significant increases in 1996 and 1997, and an upward trend continues in 2001.

General Counsel from the Social Security Administration was in contact with local United States Attorneys in mid-2000, indicating that they had anticipated a significant increase in the number of new case filings challenging administrative decisions denying social security benefits under the programs administered by the Social Security Administration. Their expectations were that 5,000-6,000 additional filings would be made nationally in a year beginning August of 2000 through August of 2001. There was some increase noted in 2001 for the Western District of Michigan, when the total number of social security cases filed exceeded the numbers for any other year in the past ten years.

Criminal cases filed continued to steadily increase in 2001. The number of cases filed was 324, up from 303 in 2000. The number of criminal defendants filed,

however, is a more accurate indicator of the court's criminal workload. The number of criminal defendants that made up those 324 cases filed in 2001 were 455, a 13% increase from last year's 397.

The court's overall pending caseload at the end of calendar year 2001 was slightly elevated over what it was at the end of calendar year 2000. On December 31, 2000, the pending caseload was 1,294 cases (1,075 civil cases and 219 criminal cases) and on December 31, 2001, the pending caseload was 1,339 cases, made up of 1,125 civil cases and 214 criminal cases.

On August 1, 2001, the Western District of Michigan began using the CM/ECF system for all newly filed cases, and got off to a great start. Each case filed on that date and thereafter was to be maintained solely on CM/ECF. Documents were scanned so that a completely electronic file was available on-line. The first electronic filing made by an attorney occurred on October 16, 2001. As of December 31, 2001, 193 attorneys were registered users on the system, and 29 documents had been electronically filed by attorneys. Judges and court staff had electronically filed 7,088 documents (4,875 main and 2,213 attachments).

### *Personnel*

In 2001, we continued to contend with several staffing issues and changes. In response to a growing need, in addition to the implementation of CM/ECF, we added two new positions; a Unix/Database Systems

Administrator position was added to our Automation team and an Assistant Operations Supervisor was added to our Operations team. Vacancies and extended absences due to maternity leave and medical procedures caused staff to take on additional duties and often work extra hours.

To keep staff apprised of all benefit information and changes, announcements continued to flow through the clerk's newsletter, e-mail, flyers/posters, and satellite broadcasts. In September, the District Court, Bankruptcy Court and Probation offered CSRS and FERS retirement training for those staff within 10 years or less of retiring. Several clerk's office staff attended various training offered through the Federal Judicial Center (FJC) and the Administrative Office (AO).

A satellite dish is available in all divisional offices allowing all employees in the Western District of Michigan to have access to FJC and AO satellite broadcasts. Court personnel continued to take advantage of the satellite broadcasts that provided updated benefit information, opportunities for personal/professional development and court-related training. The FJTN is available all day long, at the touch of a button. Several FJC satellite broadcasts are taped and added to our library of training materials for staff to use at any time.

In April, staff participated in an on-site training session called "Who Moved My Cheese?". It was an amusing and unique training on change! Participants learned how to recognize change and how to react when change occurs or risk being left behind.

The Tenth Annual Law Clerk Orientation day was held in Grand Rapids in September to welcome new law clerks. The day consisted of a clerk's office function overview, library training, computer training, and ended with lunch with current law clerks.

In 2001, the generosity of several clerk's office and judicial staff was demonstrated through their donation of 192 hours of annual leave to four (4) Leave Share Program recipients outside of the district and 180 hours of annual leave to one recipient within the district. Combined, we donated a total of 372 hours, over nine (9) weeks of annual leave.

### *Space and Facilities*

In early January of 2001, the Prisoner Civil Rights video conferencing system vendor, Siemens, notified the Clerk's Office the systems were completed. Training for court staff was conducted by the vendor at both locations in mid-August.

In January 2000, the AO and Clerk's Office jointly began work on a Facilities Master Plan encompassing all of the agencies

occupied by the court. Using this data, planners developed a set of Final Staffing and Space Requirements Spreadsheets, providing relational data indicating the differentials between the existing space resources and the projected staff and space requirements of each court unit and agency for the near term five, ten and long-term 20 and 30-year periods. In May the planners submitted the preliminary master plan and space program documentation, graphic representations and statistical spreadsheets. The Executive Summary and Staffing and Space Requirements spreadsheets were completed and issued on August 29.

In late March, GSA announced the cyclic maintenance of public space finishes (carpet, paint, wall covering, etc.) for the Ford Building was being combined with a project to upgrade the building's public entrances, lobbies and exterior pathways under GSA newly launched First Impressions Program. The project is to be funded for design intent concepts in FY 2001, design and construction documents in FY 2002, and construction in 2003.

In mid-October Magistrate Judge Scoville met with staff from GSA and their contract architects, SmithGroup, to discuss the design of the new magistrate judge's courtroom.

In December 2000, the Circuit Executive's Office issued a survey to all Sixth Circuit courts requesting consideration for FY 2001 courtroom technologies funding. The Western District response requested consideration for Grand Rapids Courtroom 601 as one of the three Sixth Circuit courtrooms. The request was included in the Circuit Executive's January recommendation and approved by the Administrative Office's Courtroom Technologies Project Manager.

On February 20, the Clerk's Office issued a discover and presentation Task Order to the Administrative Office's audio/audiovisual design consultants. On April 24, a Spectrum consultant met with Chief Judge Bell and members of his staff in Grand Rapids' Courtroom 601 to discuss the implementation of electronic technologies in the courtroom including an audio reinforcement system. In mid-July Chief Judge Bell received, reviewed, commented and approved the project's technical Statement of Work, upon which the Clerk's Office issued design Task Order to Spectrum. Spectrum issued their final design reports in mid-December, and following comments requiring minor changes, Chief Judge Bell approved the final design report in mid-February 2002.

## *Special Events in 2001*

### *Reception for Incoming Chief Judge Robert Holmes Bell*

On June 15, the Western District Chapter of the Federal Bar Association hosted a reception for the incoming Chief Judge Robert Holmes Bell. He has been an Article III judge since August 7, 1987.

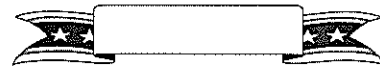
### *U.S. District Court Receives ADR Award from the State Bar*

In September 2001, the State Bar of Michigan presented the court with its Distinguished Service Award for 2001, in recognition of its significant contributions to the field of dispute resolution. They recognized the Voluntary Facilitative Mediation Program for the Western District of Michigan for its pioneering spirit, its commitment to learn from national ADR scholars and local practitioners, its creativity in transforming ideas and vision into a living mediation program that works well, one that has offered true mediation to Michigan federal court litigants for 5 years and counting. In presenting the award to the Federal Court's Voluntary Facilitative Mediation Program, the Section applauded Judge Richard Alan Enslin's decades-long leadership in the cause of dispute resolution. The Honorable David McKeague accepted the award on behalf of

the court. The award is given annually and is the Section's highest award.

### *2001 Holiday Luncheon*

The annual holiday luncheon was hosted by the U.S. District Court, and was well attended by more than 100 court and probation office employees. Guests enjoyed visiting with fellow employees from all divisions located in the Western District. Following lunch everyone joined in to sing a medley of seasonal songs. The program ended with the guests singing "America the Beautiful."



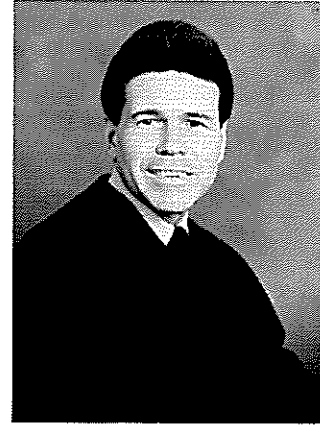


*UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO*

*ANNUAL REPORT*

The United States District Court for the Northern District of Ohio serves the 5.9 million citizens of the 40 most northern counties in Ohio. The population of the district has grown 2.5% since the 1990 Census, 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 among the fifteen largest U.S. district courts. The district holds court in Cleveland, Akron, Toledo and Youngstown and anticipates the opening of its new Cleveland Court House this summer.

***District Judges.*** The Northern District of Ohio is authorized twelve judgeships, eleven permanent and one temporary. The district has one district judge vacancy that was created in February, 1999. The district is fortunate to have five senior judges, four of whom participate at least partially in the case assignment draw, sharing the Court's workload. The Court is deeply concerned that it could lose its temporary judgeship because, absent congressional action, authorization for the position will lapse with the creation of the next judgeship vacancy. While the Judicial Conference has recommended that the temporary judgeship be extended for an additional five years, Congress has not acted on the issue. Extending the term of the



*Hon. Paul R. Matia  
Chief Judge*

temporary judgeship remains a high priority. If the temporary judgeship is eliminated, the district's weighted case filings per judgeship will be 502, about 17% higher than the 430 weighted case filings per judgeship that the Judicial Conference uses as a threshold to determine whether a district has the need for additional judgeships. Even if the district's asbestos case filings were excluded from the calculation, the weighted case filings per judgeship would still be 11% over the threshold.

***Magistrate Judges.*** The Northern District of Ohio has eight magistrate judges on board, including one in 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 continues to be significant. As of the end of 2001, magistrate judges presided over 455 (15%) of the pending civil cases. Magistrate judges were the presiding judicial officers for 568 (15%) of the civil cases that

were resolved in 2001, up 108% from the 272 civil cases magistrate judges closed in 1991, shortly before the district implemented its Civil Justice Reform Act delay and cost reduction plan. The Court continues to permit magistrate judges to accept pleas of guilty in criminal cases upon the consent of all counsel and the defendant pursuant to a General Order issued in October, 1999.

**Notable Cases.** The district has had several notable cases during the past year. In one case, the Judge formed an administrative trial team involving the U.S. Marshal's Service, the General Service Administration, the Federal Protective Service, Court Security Officers, the Clerk of Court and members of the Clerk's Office jury, court reporting, operations and automation departments to develop a comprehensive plan to ensure that all administrative issues related to the case (including those related to security and safety, media relations, juror needs, and dissemination of information), were properly and efficiently addressed. Under the Judge's direction, the administrative trial team helped develop Media Guidelines, designated a media representative from the Clerk's Office and supported an audio-video link between the main courtroom and an auxiliary courtroom so that all members of the media and other spectators could be accommodated without disrupting Court proceedings. The district is also the transferee Court for a Multi District Litigation action consolidating over 290 cases for pretrial supervision. The Court has had

great success in using its web page to disseminate information about notoriety cases and to provide convenient access to documents in high demand.

**September 11th.** The tragic events of September 11th, and its aftermath, have changed lives forever. Court security has been improved with the addition of new Court Security Officers and in-coming mail processing procedures have been modified significantly. All mail is now opened at one location within each Court House and is distributed only after proper scanning has been done. Protective masks, gloves and gowns have been provided to those who process the mail and are available to others who may need them. The Weapons of Mass Destruction Coordinator of the Federal Bureau of Investigation educated Court personnel on anthrax and other toxic weapons and pertinent information has been added to the Court's intranet site for reference by the staff.

**Combined FCCA / NCBC Conference.** The district hosted the combined Federal Court Clerk's Association (FCCA) / National Conference of Bankruptcy Clerks (NCBC) this past summer in Cleveland. Over 500 deputy clerks from district and bankruptcy courts from across the nation were in attendance. The theme of the conference was "Surfing the Wave into the 21st Century" which focused upon the enormous changes confronting district and bankruptcy courts--with a particular emphasis on the development

and implementation of electronic filing in federal courts. Over 25 different educational sessions covering professional and personal development were offered with special emphasis placed upon electronic filing. Guest speakers included AO Director Leonidas Ralph Mecham, motivational speaker Steve Morgan and several district and bankruptcy Clerks of Court familiar with electronic filing. John Leonard and staff members of the AO's System Development and Support Division brought their electronic filing lab from San Antonio to Cleveland so that attendees could receive hands-on training in the district and bankruptcy court versions of the Case Management / Electronic Case File (CM/ECF) system.

**Civil Docket.** The pending civil caseload is at its second lowest level of the past decade even though the number of non-asbestos civil case filings during each of the past 5 years has been higher than ever before. There were 3,880 non-asbestos civil case filings in 2001, with 3,826 civil case closings, leaving 3,015 pending civil cases. According to the Judicial Caseload Profile for the year ending September 30, 2001, the district ranked 25th in the nation and second in the Sixth Circuit for civil case filings, including asbestos, per authorized judgeship.

**Criminal Docket.** In contrast to the civil docket, the numbers of pending criminal cases and pending criminal defendants are now at record highs for the district. The number of

pending criminal cases increased 17.4% from 345 in 2000 to 405 at the close of 2001. The number of pending criminal defendants rose 2.4% from 630 to 645. The increase in the number of pending criminal cases and defendants is directly attributable to record number of criminal case filings. Although the Court closed more criminal cases and criminal defendants in 2001 than ever before, the pending criminal docket still rose due to the increase in filings. Criminal case filings reached the highest level ever, increasing 13.7% from 541 in 2000 to 615 in 2001. Criminal defendant filings decreased 2.1% from 974 in 2000 to 954, but still represented the second highest number of criminal defendant filings ever. Criminal case closings increased by 16.2% from 489 in 2000 to 568 in 2001 and criminal defendant closings rose 13.2% from 828 in 2000 to 937 in 2001, the highest totals ever. While the criminal caseload is high for this district, it remains relatively low when compared to other Courts. For the year ending September 2001, the district ranked 62nd in the nation and seventh in the Sixth Circuit in criminal felony case filings per authorized judgeship.

**Asbestos Docket.** The district now maintains the records in over 57,000 asbestos cases. Although all asbestos cases in the federal courts have been transferred to the Eastern District of Pennsylvania for pretrial supervision under Multi District Litigation, asbestos cases continue to be filed and docketed in the originating courts. Filings in

the maritime asbestos litigation, which typically comprises nearly all asbestos cases filed here, tumbled 53% to 1,163 in 2001 from 2,432 in 2000. That followed a 25% decline in maritime asbestos filings from 1999 to 2000. Lead plaintiff's counsel in the maritime litigation projects significantly fewer filings in the upcoming year. While the maritime asbestos litigation dwindled, the Clerk's Office was inundated with the filing of 8,512 land-based asbestos removals from state court in November and December, which necessitated the hiring of three temporary employees to help process the cases. Even with that additional assistance, it will take several months before all the cases are completely processed. With the maritime asbestos litigation continuing to wind down, and no further mass removals being expected, the Court must remain prepared for the substantial reduction in the Clerk's Office's authorized staffing and the Court's operating budget that is likely to occur in upcoming years.

***Civil Justice Reform Act.*** Much of the district's success in maintaining current dockets during times of record level civil case filings can be attributed to the case management programs adopted by the Court pursuant to its role as a Demonstration District under the Civil Justice Reform Act of 1990. Under that program, the district adopted a Differentiated Case Management (DCM) Plan, a wide menu of Alternative Dispute Resolution (ADR) options and a Pending

Inventory Reduction Plan (PIRP) to manage its civil caseload. These programs have proven highly successful and remain popular with the bench and the bar. Since these programs were initiated, the number of cases three years and older has been reduced by over 84% and the number of motions pending six months or longer has declined by 89%.

***Electronic Case Filing.*** The Northern District of Ohio is proud to have been the first Court ever to permit attorneys to file documents over the Internet. The Court has permitted attorneys to file electronically in its maritime asbestos litigation since January, 1996, and expanded the program to general civil cases beginning in November, 1997. The Case Management / Electronic Case File (CM/ECF) system used by the Court permits users to file and view documents 24 hours per day, 7 days per week. Over 2,500 attorneys, representing over 850 firms and solo practitioners, have electronically filed over 220,000 documents with this Court. Electronic filing in this district is no longer an oddity, it is the norm. On average, the Court receives 120 electronic filings from attorneys each business day. Electronic filing not only benefits those attorneys who reside in Northern Ohio, but attorneys from outside the district as well. Among the attorneys who have filed electronically are 275 attorneys from the Southern District of Ohio and another 231 attorneys from out-of-state. Benefits to attorneys include instant e-mail notification whenever a document is filed in their case,

potential savings in copying, courier and noticing costs and the ability to file documents whenever they are ready to do so. Indeed, about 35% of attorney electronic filings occur when our intake windows are closed for business. In Northern Ohio, intake windows are open from 9 a.m. to 4 p.m. About 65% of our electronic filings occur during those hours, with another 25% occurring from 4 p.m. to 6 p.m., 6% from 6 p.m. to 10 p.m., 3% from 7 a.m. to 9 a.m. and 1% from 10 p.m. to 7 a.m. On Presidents' Day, 28 attorneys electronically filed 40 documents while the Court was closed for the federal holiday. Benefits to the Court include concurrent access to documents, immediate entry to the docket sheet upon filing, and a substantial savings in postage fees. Through the increased use of electronic noticing and e-mail, the Court has reduced its postage fees by about 20% or \$15,000 per year. Clerk's Office staff have aided the national efforts to provide the CM/ECF software to all district and bankruptcy courts by participating in the AO sponsored national workgroups and testing efforts and by serving as mentors to the CM/ECF efforts in the Southern District of Indiana and the Western District of Michigan.

***New Cleveland Court House.*** The finishing touches are being placed upon the new U.S. Court House in Cleveland, with phased moves planned to begin in Spring 2002. The Court family has worked with the General Services Administration for over 10 years to bring the new Court House to fruition, and we are very

excited that our offices will be consolidated under one roof once again. The Senior District Judges, the Circuit Judges, the U.S. District Court Clerk's automation department, the U.S. Probation Office, the U.S. Pretrial Services Office, and the U.S. Attorney's Office will all be relocated from leased space into the new Court House. Not only will this consolidation save costs through the reduction of costly leased space, but the Court family will be provided with greatly increased security, life-safety systems, efficiencies of operations and communications, state-of-the-art technology and sufficient space for our offices and Court functions.

***New Toledo Court House.*** A new U.S. Court House in Toledo is on the Judiciary's Five Year Plan for site and design improvements for FY2003. Although the project has not been included in the President's Budget submitted to Congress in February 2002, the Court is hopeful that Congress will consider funding the project this fiscal year. In 2000, GSA negotiated a land exchange with the City of Toledo for a parcel of property on the Civic Mall adjacent to the existing Court House for the site of the new Court House. The existing Court House will be renovated for the U.S. Bankruptcy Court and other related federal agencies.

***Current Cleveland Court House.*** When the new Cleveland Court House is completed, the existing Howard M. Metzenbaum United States Court House will be vacated completely

and the building will be extensively renovated. The project will provide initial space alterations for the Bankruptcy Court, which will become the primary tenant. Additionally, the project provides for restoration for some of the most architecturally significant public spaces in the building and a building-wide modernization of the HVAC, plumbing, fire/life safety, lighting and power systems. The project is scheduled to begin this Spring with a projected completion date of September 2004.

**Facilities.** With the establishment and funding by the Administrative Office of a Cyclical Replacement/Maintenance Program for court-occupied space beginning in Fiscal Year 2001, the Court has been able to upgrade space in both the Akron and Toledo Court Houses. Our cyclical replacement plan included replacing old carpeting, ceiling tile, and lighting in judicial offices, where needed, as well as jury assembly rooms in both facilities. The Court has approved a new housing plan for the Thomas D. Lambros U.S. Courthouse in Youngstown. The U.S. Bankruptcy Court is scheduled to relocate from that building into a new Court House in Youngstown in October 2002. Upon their relocation, the District Court will begin renovations to implement the housing plan. Cyclical replacement work will also be accomplished in conjunction with the space alterations necessary to implement the housing plan.

**Electronic Courtrooms.** Upon the completion of its new court house in Cleveland, the Northern District of Ohio will have seven electronic courtrooms with four in Cleveland and one each in Akron, Toledo and Youngstown. The district strives to provide litigants with the best facilities available to assist in the efficient administration of justice. Each electronic courtroom has a Digital Evidence Presentation System (DEPS), through which counsel can display exhibits, realtime transcripts, video recordings or multimedia presentations with the push of a button. The systems include a document camera for displaying documents, x-rays and three-dimensional objects; 15" flat-panel video displays on counsel tables, the judge's bench and between jurors; VGA connections to display documents, multimedia presentations or images from a portable computer on any monitor in the courtroom; technology-ready counsel tables; realtime court reporter transcription; a visual image printer to produce 3" x 5" prints of any image displayed through the DEPS; a tablet and light pen which permit on-screen drawing and highlighting to emphasize specific details of evidence; a videocassette recorder; and infrared equipment for listening assistance and language translation. The courtrooms are in regular use throughout the year by all judicial officers and have contributed to substantial savings of trial time.

**Video-Conferencing and Satellite Reception.** The district has had video-conferencing and

satellite reception equipment at each court location since January, 1999. Video-conferencing is available in at least 3 fixed locations within each court house. Supplemental portable video conferencing equipment has also been procured for each office. The equipment has been used for remote witness testimony, prisoner video conferencing, judges' meetings, Clerk's Office meetings, and participation in long-distance learning programs offered by the Administrative Office and the Federal Judicial Center. The Court has saved significant amounts of travel time and costs through electronic participation in these events. Savings have also been achieved by other courts and the U.S. Marshal Service who have, upon occasion, brought prisoners held in nearby facilities to this Court to participate in oral argument on a motion via video-conferences rather than flying the prisoners to other court locations.

***Juror Utilization.*** This Court utilizes pro-active juror management techniques such as staggering trial start times, pooling jurors, using multiple voir dire and assessing jury costs for late settlements. During 2000, these techniques resulted in 19.5% of jurors called to Court not utilized on their first day of service, the lowest percentage in the Circuit as well as the lowest in all courts in the country with 6 or more active judges in one location. The jury utilization rate for 2001 was 23%, still well below the Judicial Conference goal of 30% not utilized. This achievement was

accomplished by a concentrated effort among judicial officers, court staff, and jury clerks.

***Juror Morale.*** The Court has also taken steps to improve juror morale by offering healthy snacks to seated petit and grand jurors, making public transportation schedules available in our jury assembly rooms, and surveying all seated jurors and sharing the results with the presiding judicial officer. The Court provides cable/satellite transmission of television to all jury rooms where television reception previously had been very poor. In addition, the Court posts information about jury service, our juror handbook, answers to frequently asked questions, maps, hotel listings, parking facilities, restaurant listings and other items of interest to jurors on the Court web page. The web page also provides a convenient link so that jurors may contact the jury administrator by e-mail at the click of a button. Exit questionnaires show that jurors are very appreciative of these efforts.

***Naturalization of New Citizens.*** The Court administered the oath of allegiance to 779 new citizens in 2001. In Cleveland, ceremonies are held twice per month, and in Toledo, naturalization ceremonies were conducted monthly. Two special ceremonies were also held at public locations in the Western Division. We have continued increased efficiency practices regarding distribution of notices to new citizens, saving the Court postage and manpower.

**Court Recording.** The Northern District of Ohio employs 12 official court reporters and one full-time Electronic Court Recorder (ECR), assisted on a regular basis by a variety of deputy clerks, to serve its 24 judicial officers. By pooling court reporters, the district is able to save thousands of dollars in contract court reporter fees each year. Official court reporters in Cleveland are placed on a three-month assignment to a district judge, and reporters in Akron, Toledo and Youngstown are assigned by the court reporter supervisor in a manner which efficiently meets the needs of the judges. Court reporters frequently travel to other court locations to assist in providing coverage to judicial officers. The court has established a goal that all court reporters become realtime certified. Currently, nine of the twelve court reporters are Certified Realtime Reporters. We have analyzed and reworked the court reporter evaluation system bringing the procedure in line with other personnel evaluation processes.

**Digital Audio.** The Northern District of Ohio recently installed FTR Gold digital audio recording in each Magistrate Judge courtroom in Toledo, Akron, and Youngstown. Digital audio will also be installed in each courtroom in the new Cleveland Court House. Software has been installed on laptop computers and user training has been provided to both operators and Magistrate Judges. Eventually, all digital audio files and their synchronized log sheets will be placed on network servers allowing easy retrieval of audio for Judges and

court staff. ECR personnel have adapted well to this new technology.

**Clerk's Office.** The Clerk's Office supports 24 judicial officers and its automation department supports 433 desktop and laptop computers and 23 file servers. The Office has taken a leadership role in the implementation of electronic filing and video-conferencing, the installation of electronic courtrooms, the installation of audio-digital recording equipment, the renovation of Court facilities, and the construction of the new Cleveland Court House. The Clerk's Office is proud of its Internet web site, as well as its internal intranet, both of which provide a wealth of information on activities and procedures of the Court, particularly as they relate to electronic filing. For FY 2002, the Clerk's Office is allocated 101.8 work units, down 20.2 work units from FY 2001. The decrease was caused by the substantial reduction in asbestos case filings during prior years. Despite the substantial drop in authorized work units, no layoffs were necessary since the Clerk's Office never hired up to its authorized level because it knew that asbestos case filings were likely to fluctuate widely. Currently the Court has 96 staff on board.

**Probation Office.** The presentence workload rose sharply in 2001. A total of 860 presentence reports were prepared: a 14.5% increase from the previous year. The number of persons under supervision was at 1,722 as of September 2001, a 2% growth from the



prior year. The probation workload is the second largest in the Circuit. Offenders on supervised release status represented 63% of the supervision workload. Probation officers enforced supervision conditions resulting in payments of \$721,080 in fines and \$1,109,679 in restitution. A total of \$708,917 was spent on substance abuse treatment for offenders. An amount of \$259,002 was directed to mental health outpatient treatment. Home confinement costs of \$102,352 were offset by \$65,618 in offender self-pay. The Probation Office had 14 GSA leased vehicles for field travel. The Toledo divisional probation office moved from the now demolished Federal Building to private space. The Akron field office moved from private space into the U.S. Courthouse and Federal Building. Probation staff participated in an average of 52 hours of training per employee. A significant amount of the training was safety and firearms related. The Sixth Circuit Chiefs and Deputy Chiefs Annual Meeting was hosted by Ohio Northern.

***Pretrial Services Office.*** During FY 2001, 1,050 cases were activated (9% increase) and 909 were closed (7% increase). At year end, 318 defendants were on supervision (30% increase). There were 568 total cases and 379 new cases (21% increase) with conditions of release for drug testing and/or treatment, mental health treatment, and residential placement. There were also 209 electronic monitoring cases. Staff had 1,726 hours of training in 41 programs. The Court approved

Pretrial Services continued participation for the final year of Department of Justice - Operation Drug Test Program which requests that defendants voluntarily submit to drug testing prior to their initial appearance. Funding for substance abuse treatment and other alternatives to detention services is provided in this program when release conditions are so ordered by the Court.

***Training.*** The Northern District of Ohio is committed to the professional development of its staff. The district has had a Joint Court Unit Training Committee since 1993 and a Joint Unit Automation Sub-Committee since 1996, consisting of staff from the Clerk's Office, Probation Office, Pretrial Services Office and Bankruptcy Court. These committees work together to ensure that training resources are utilized wisely and efficiently.

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

matters of interest, whether civil or criminal, to the bench and the bar. The group meets with the judges semiannually in May and October and has established several committees that meet independently throughout the year. Committees include: Civil Rules & Procedures; Criminal Rules & Procedures; Alternative Dispute Resolution; Professionalism, Mentoring & Training; Technology; Magistrate Judge Utilization and New Court House.

Respectfully Submitted,  
Paul R. Matia  
Chief Judge



*UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO*

*ANNUAL REPORT*

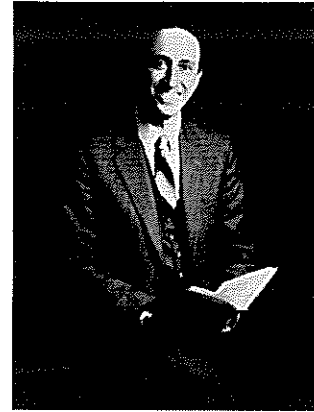
Much of interest has occurred in the Southern District of Ohio, since our last report to you at the 2000 Sixth Circuit Judicial Conference.

Last August, an event occurred which none of us thought would ever transpire, at least not before the Chicago Cubs won another World Series. I speak, of course, of the retirement of Senior Judge Joseph P. Kinneary, in whose honor our Columbus Courthouse is named. Joe, who stepped down a few days short of his 96<sup>th</sup> birthday, at a time when he was still carrying an 80 percent draw of civil and criminal cases, has left a hole in the soul of our Court that simply cannot be mended. In his wake, he leaves behind a group of judicial colleagues, as well as countless members of our court family, past and present, with hearts filled with both sadness that an era has passed and gratitude that we were fortunate to work with him during his long career. It is impossible, through the written word, to capture the love, fondness and respect that we in the Southern District of Ohio feel toward our newly retired colleague, not merely because of his 36 years on the Federal Bench and distinguished career in public and community service beforehand, but also because of his uncommon warmth and graciousness. We are in awe, as we

realize that we have been blessed to have been associated with a living legend.

As though more evidence that time passes too quickly were needed, two of our number, Judges Herman Weber of Cincinnati and George Smith of Columbus have opted for Senior status, although both continue to carry a full load of civil and criminal cases. Both of our newly minted Senior colleagues have enjoyed decades-long careers as jurists, both on the state and federal level, and are widely respected for their intellect, compassion and dedication to the cause of justice. We are delighted that they will continue to work with us far into the foreseeable future. Their successors, Common Pleas Court Judges Thomas Rose of Greene County and Gregory Frost of Licking County, have been designated, although not yet, as of the time of this writing, formally confirmed by the Senate. Their reputations as excellent jurists and as community leaders precede them. We are eagerly looking forward to welcoming our new colleagues.

In October, 2001, the first ever Northern and Southern District of Ohio Federal Bench/Bar Conference was held in Columbus. It was a pleasure to meet and to interact with our colleagues from the Northern District, Judges and practitioners alike, as lively discussions were held on such subjects as the need to discuss harmonizing the Rules of our respective Courts for the benefit of attorneys who practice throughout the State of



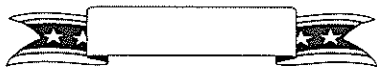
*Hon. Walter Herbert Rice  
Chief Judge*

Ohio, the advantages of electronic filing and preferred approaches to mediation, from the perspectives of both Judges and attorneys. This was a delightful event, in spite of the fact that our colleagues from the Northern District have neither won a World Series since 1948, nor ever, ever played in a Super Bowl. The conference will be held in the future on an every other year basis.

The written history of the Southern District of Ohio, from 1803 to the present date, has proceeded to the point where publication should be had in the Spring of 2003. Our District is still attempting to establish the first In-House Mediation Office of any District Court in the country, with the goal in mind of successfully leading cases to a conclusion as early in the process as is possible, lacking only the necessary funding, at this time, to hire the person who will serve as our first mediator. We have created a Southern District of Ohio web site, which makes information concerning our District

and the cases pending on its docket as user friendly and as accessible to the public as is possible, and our District confidently hopes, long before next we meet, that we will have joined the mainstream, the 21<sup>st</sup> century so to speak, by offering electronic filing capability. That all of this has been accomplished, and much more that space prohibits my discussing, can be attributed to two, ever constant dynamics---first, 16 judicial officers, as collegial and as dedicated a group as has ever served the public as members of the Federal Bench and, second, a devoted group of associates, consisting of members of our own Chambers staff, as well as members of our Clerk of Courts Office and Probation and Pretrial Services Departments, whose hard work and dedication to the cause of justice is second to none in any court anywhere. Nothing that our District has accomplished, or will accomplish in the future, would be possible without their services. We are delighted to have this opportunity to extend to them our sincerest appreciation.

Respectfully submitted,  
Walter Herbert Rice  
Chief Judge, U. S. District Court



*UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE*

*ANNUAL REPORT*

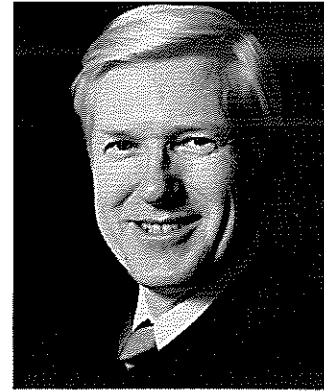
*Personnel.* In 2001 and 2002 the court has experienced unprecedented change in judicial officers. Judge Leon Jordan, who was appointed to the bench in 1988 by President Ronald Reagan, took senior status effective November 30, 2001. Judge James H. Jarvis, who was appointed to the bench in 1984 by President Reagan, took senior status effective February 28, 2002. Both Judge Jordan and Judge Jarvis plan to continue to handle a significant case load, which is most appreciated.

In early 2001, Magistrate Judge Robert P. Murrian announced his plans to retire in 2002. At the time of his retirement on February 12, 2002, he was the longest-serving active judicial officer in the Eastern District, having served 24 years, from February 1978 to February 2002.

Following the announcement of his retirement, we formed a Merit Selection Panel chaired by attorney Pamela Reeves, former president of the Tennessee Bar Association. Following interviews with each of the five candidates recommended by the Panel, the judges selected Mr. C. Clifford Shirley, Jr., an attorney who has been a trial lawyer in Knoxville for over 20 years. Mr. Shirley was sworn in as Magistrate Judge on February 13, 2002.

**Workload** – Our caseload has followed the national trend, with civil filings decreasing slightly since 2000 and criminal filings increasing. We had 1,611 civil cases filed in calendar year 2001, a decrease of 6 percent since 2000, compared to the nationwide trend of a 2 percent decrease. Criminal filings were 564, a 22 percent increase, and criminal defendants at 850, increased by 37 percent, compared to a nationwide trend of a 4 percent increase for criminal filings and a 3 percent increase for criminal defendants. Our cases per judgeship averaged 411, as of the period ending September 30, 2001, which placed our court 51<sup>st</sup> in the nation and 5<sup>th</sup> in the circuit in actions per judgeship. With weighted filings, we were 31<sup>st</sup> in the nation and 2<sup>nd</sup> in the circuit in actions per judgeship. We continue to handle our caseload expeditiously. The median time from filing to trial in civil actions was 20 months, which placed our court 39<sup>th</sup> in the nation and 3<sup>rd</sup> in the circuit. In criminal trials, the median time from filing to disposition was 6.9 months, placing our court 37<sup>th</sup> in the nation and 4<sup>th</sup> in the circuit.

This year we saw a significant increase in cases alleging conspiracy to manufacture methamphetamine. In September 2001, the U. S. Attorney’s Office in Chattanooga, in reportedly one of the largest roundups of its kind in the Southeast, prosecuted more than 70 persons on charges of conspiracy to manufacture methamphetamine. There were 78 arrests and initial appearances, 74 arraignments and 33 detention hearings. In



*Hon. R. Allan Edgar  
Chief Judge*

the Winchester Division, over 38 indictments were presented and in the Chattanooga Division over 36 indictments were presented.

**Court Automation Projects** – Our court continues to stay in the forefront of courthouse technology. We were selected by the Sixth Circuit Judicial Council and the Administrative Office of the United States Courts for the FY2001 Courtroom Technologies Program. One of the courtrooms in Chattanooga is being renovated to install the most up-to-date audio/video technology to support court proceedings.

Other court technology projects in 2001 included installation of the Jury Management System (JMS), the automated financial system FAS<sub>4</sub>T, the Lotus Notes e-mail system, and WordPerfect 9. These installations were successfully implemented and personnel were appropriately trained.

In addition, both our internal and external Web sites have been updated to include jury charges and opinions. Also, we launched a new site on our external Web page for high visibility cases so that attorneys can download and print selected documents from these cases. This saves time and expense for the Clerk's Office and is very convenient for the attorneys and media. Also, we redesigned our Web page to meet guidelines of the Americans with Disabilities Act so our web page will be more accessible. New features include colors which are easier on the eyes, larger text options, expanded printer format capability, browser cross compatibility and quicker document retrieval.

***Courthouse Facilities*** – The Greeneville courthouse was completed and occupied in October 2001. Dedication of the courthouse, named the James H. Quillen U.S. Courthouse in honor of former Congressman Quillen, First District, Tennessee, was held on December 17, 2001. Howard H. Baker, Jr., former U.S. Senator and Chief of Staff for President Reagan, and now U. S. Ambassador to Japan, was the keynote speaker. Other officials attending the dedication ceremony included U.S. Senators Fred Thompson and Bill Frist (Tennessee), U.S. Representative Bill Jenkins, First District, Tennessee, U.S. Representative Van Hilleary of Tennessee's Fourth District, and Governor Don Sundquist.

The four-story courthouse houses all of the district court units, bankruptcy court,

the U.S. Marshal, U.S. Attorney, FBI, U.S. Bureau of Alcohol, Tobacco and Firearms and GSA offices. The courtroom technology is state-of-the-art, with individual evidence presentation monitors available to jurors in the main courtroom, which is the most technologically current courtroom in the district. The courthouse received special recognition at the 2002 Marvin M. Black Excellence in Partnering Awards. Of the 33 projects nominated for the national award, the judges selected six principal winners and two projects deserving special recognition. The courthouse also received the Associated General Contractors of America Build Alabama Award in the new construction category.

***Collateral Fines Schedule*** – A mammoth effort to revise the collateral fines schedule was undertaken by the magistrate judges, led by Chief Magistrate Judge Thomas Phillips. Court personnel from across the district and law enforcement personnel from the federal lands within the court's jurisdiction gathered in Knoxville in June 2001 to review and revise the schedule. The revised schedule was finalized and approved by the district judges on January 22, 2002.

***Jury Selection Plan*** – Not only did we install JMS, the automated jury system, in our court, but we also revised our Jury Selection Plan. The revised Plan incorporates recent amendments to the Jury Selection and Service Act and changes required by the

implementation of JMS. We also deleted mandatory excuses for doctors, lawyers, etc., and simplified the wording of our Plan. The revised Plan was approved by the Sixth Circuit Judicial Council on July 10, 2001.

**Grand Jury** – For the first time since the Winchester Division Clerk’s Office was staffed in 1997, a grand jury was impaneled in the division. The court and U. S. Attorney’s Office have agreed to impanel a grand jury in Winchester. It will meet twice a year, in April and October.

**Community Projects** – The Chattanooga Division sponsored “Open Doors of Justice: The Bill of Rights in Your Life,” an educational outreach initiative of the federal judiciary. The program brought high school students, teachers, judges, court staff and lawyers together to enhance public knowledge of the role of the judiciary and the Bill of Rights in our lives.

Judge Curtis Collier presided over the moot court simulation.

The Knoxville Division participated in Unity Day, a program sponsored by federal agencies in Knoxville to promote diversity and understanding of other cultures. As part of the program, each federal agency created a display on the theme of “Diversity and Unity Go Hand in Hand.” The Knoxville Division chose to highlight the life and works of former U.S. Supreme Court Justice Thurgood

Marshall. The display won third place in the contest.

**Fall Conference** – The court held an educational conference for all chambers and Clerk’s Office staff for one and one-half days in September 2001. The magistrate judges made an informative presentation on *Daubert* issues, using the “Science in the Courtroom” materials produced by the Federal Judicial Center. The Clerk’s Office staff, law clerks and judicial assistants attended presentations on various management issues, including a most enlightening and entertaining session on “Managing Change” facilitated by Judge Collier’s law clerk, John Winemiller.

**Video Conference** – The court also has continued to make use of video conference capabilities. Judge Jarvis held a change of plea hearing by video conference. This is the first time a guilty plea has been accepted in our court using video conference. Magistrate Judge Phillips conducted a video conference with a death row inmate to eliminate the expense and security concerns of transporting the inmate to the courthouse. Video conference also has been used to take the testimony of expert witnesses in remote locations. The Clerk’s Office also uses video conference regularly to conduct meetings of the entire staff across the district.

**Satellite Training** – We made great use of satellite systems for training in 2001. Clerk’s Office staff received over 1,175 hours of

training, the majority provided by the FJTN satellite network. Law clerks earned CLE credits through programs on the FJTN and some of the judges used the FJTN to learn Spanish for cases involving Spanish-speaking defendants.

**Sharing Resources** – The court was very successful in sharing resources with other court units and agencies in 2001. We worked closely with all court units and other agencies in the construction of the Greeneville courthouse. Our automation staff coordinated installation of shared systems and communication networks for the district, and coordinated and shared expenses to provide computer-based training across the district involving all court units. We arranged to share costs of ISDN lines with the bankruptcy court, cutting in half our ISDN expenses. We now also share our satellite downlink with the U. S. Attorney's Office in Knoxville and Greeneville.

Respectfully Submitted,  
R. Allan Edgar  
Chief Judge



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

**ANNUAL REPORT**

The composition of the Court remained the same since the last report:

**United States District Judges:**

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

**Senior United States District Judges:**

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

**United States Magistrate Judges:**

Honorable Juliet Griffin  
Honorable Joe B. Brown  
Honorable Cliff Knowles

**United States Bankruptcy Judges:**

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

**Workload:**

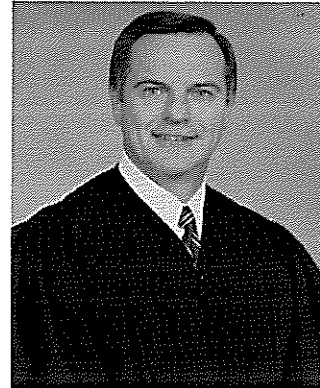
The following are current workload statistics for the district:

**District Court:**

- There are approximately 1,834 pending civil cases and 381 criminal defendants.



- Overall filings increased from 1,735 to 2,198, an increase of 26.7%, the largest percentage increase in the circuit and third in the nation. The Court's civil filings per judgeship are now the highest in the circuit. The increase was largely caused by major copyright and wage and hour cases.



*Hon. Robert L. Echols  
Chief Judge*

- Criminal cases, which constitute approximately 20% of the total cases in the district, increased 7%. The Court's average number of felony defendants per case in 2001 is significantly higher than the national average.

- The average number of trials per judgeship is the highest in the circuit and fifth in the nation.

- The median time to process a civil case from filing to disposition is 10.8 months. The median time to dispose of a criminal case is 10.3 months.

***Bankruptcy Court:***

- Total case filings increased 21% in 2001.

- Weighted filings per judgeship is 2,611; the national average of weighted filings per judgeship is 1,593.

- Chapter 7 cases now constitute 39% of total cases filed.

***Recent Developments:***

-Funding for site acquisition for a new federal courthouse in Nashville was appropriated in fiscal year 2002, and final site selection is expected soon. Funding for design of the courthouse is expected in fiscal year 2003, with construction funds due in 2004.

- President Bush's nominee for U.S. Attorney for the Middle District of Tennessee, Mr. Jim Vines, was sworn in on February 11, 2002.

- Chief Judge Robert Echols traveled to Jackson, Tennessee, in February 2002 to handle a trial for Chief Judge Jim Todd in the Western District of Tennessee, which is missing two judges. Senior Judge Tom Higgins has been to Memphis, Tennessee, as a visiting judge to conduct a guilty plea hearing, sentencing hearings, a settlement conference, and a jury trial. Judge Higgins is scheduled to travel to Jackson, Tennessee, again in March to try a case for Judge Todd. Senior Judge John Nixon plans to travel to Memphis in May for a week to help with the caseload in the district. Senior Judge Tom Wiseman continues to travel to Tampa, Florida, to assist Chief Judge Elizabeth Kovachevich with the caseload in the Middle District of Florida.

- On March 9, 2002, Chief Judge Robert Echols and Judge Joe Haynes participated in a symposium on "Judicial Independence" sponsored by the First Amendment Center of the Freedom Forum and the Nashville Chapter of the Federal Bar Association. Other participants included U.S. Senator Fred D. Thompson (R. Tenn.); former U.S. Senator John C. Culver (D. Iowa); Charles Burson, former Assistant to the President, Chief of Staff and Counsel to the Vice President, and Attorney General of Tennessee; John Seigenthaler, former editorial director of USA Today and editor and publisher of The Tennessean; Charles R. Eisendrath, former Bureau Chief for Time magazine; Professor Carl Pierce of the

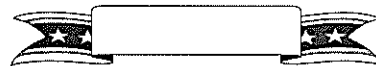
University of Tennessee College of Law; and others.

- In March 2002, Bankruptcy Judge George Paine hosted a group of judges from Russia from the Commercial Courts in Moscow. In addition to dinner at his home, Judge Paine arranged for a meeting with other federal judges in Nashville, local tours, and shopping.

- Magistrate Judge Joe Brown conducts quarterly continuing legal education programs for the Nashville Bar Association on practical tips of federal practice. He also teaches trial advocacy for the Department of Justice in South Carolina once or twice a year.

- The Court began utilizing the Jury for Windows system effective February 2002. All operations are now performed in house. The CFS1 setup for financial procedures will run simultaneously with Jury for Windows for the purpose of payment and informational data concerning the grand juries seated prior to February 2002.

Respectfully submitted,  
Robert L. Echols  
Chief Judge

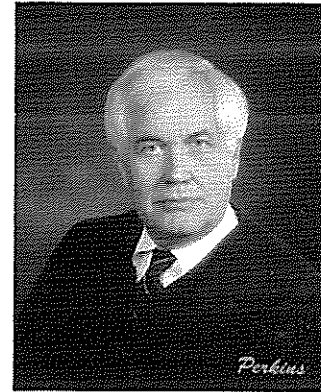


*UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE*

*ANNUAL REPORT*

During 2001, the United States District Court for the Western District of Tennessee welcomed several visiting judges from around the Sixth Circuit to provide case-related relief in the (Western) Memphis Division. The continuing need for assistance was occasioned by the untimely death of Judge Jerome Turner on February 12, 2000. Samuel Hardy Mays, Jr. has been nominated to fill the vacancy, while Judge Julia S. Gibbons has been nominated to fill a vacancy on the Sixth Circuit Court of Appeals.

In March 2001, the District Court hosted a Federal Judicial Center sponsored program, "The Origins of the Three Branches of Government," one of the "In-Court" Judicial Seminar series. This exceptional one-day program was presented by John Kaminski, Ph.D., Director, and Richard Leffler, Ph.D., Deputy Director, of the Center for the Study of the American Constitution, University of Wisconsin-Madison. Content included the origins of Congress, the President, and the Judiciary, with particular attention devoted to the structure and power of each branch, the debate and the Constitutional Convention, and the subsequent struggle to ratify the Constitution. The subject matter and forum for collegiality were well received.



*Hon. James D. Todd  
Chief Judge*

In April the Court co-sponsored with the Memphis/Mid-South Chapter of the Federal Bar Association a "Federal Practice Seminar." An annual educational effort for experienced and newly-admitted practitioners, the program is presented in "panel" format, with resident judicial officers, and bar members presenting topics fundamental to federal litigation. The timely segment on "Privacy Rights v. Electronic Access to Court Files," which also included local media representatives advocating "public access," offered lively ethics debate and audience participation.

At the beginning of 2001, the court introduced its new Internet site, [www.tnwd.uscourts.gov](http://www.tnwd.uscourts.gov), featuring the district's Attorney Handbook. With the hiring of a web programmer, the web site has evolved into a dynamic and comprehensive source of information including Local Rules, district plans, the court's calendar, model jury instructions, recent opinions, "Fax Service" notice (an alternative, with attorney consent,

to U.S. Postal Service delivery of court orders, judgments and notices), and a Juror Guide with maps, parking options and eating establishment references.

In the Western Division, touch screen monitors and annotation equipment were added to the witness stands and attorney podiums, and, high resolution flat screen monitors were added to the counsel tables. All Magistrate courtrooms were equipped with digital recording systems that now provide for CD-ROM digital copies of proceedings.

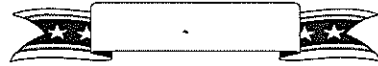
With the court's approval, the Clerk began a program to purge the inventory of sealed documents no longer requiring such protection, and thereby create more available vault space. The court hired a death penalty staff attorney. Under the flexibility of the Court Personnel System (CPS), the Clerk created an Employee Development Specialist position, and staffed it with a consultant and learning coach who assists employees in maximizing effectiveness in present assignments, and in preparing for more responsible positions.

Compared to 2000, civil filings decreased by 7.7 percent, while criminal filings increased by 15.6 percent. The median time from filing to disposition increased from 9.1 to 9.7 months, while the median time from filing to trial decreased from 17 months to 16.5 months. Only a negligible 1.1 percent of

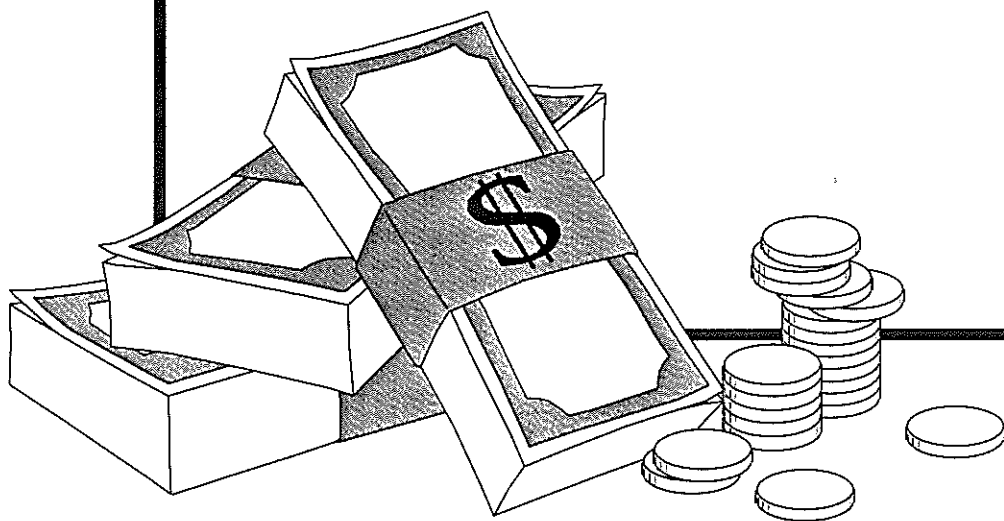
the civil inventory has been pending three years or more.

The judges of the Western District express our deep appreciation to the judges who have volunteered to take assignments by designation to this district. With the assistance of the visiting judges, the judicial business of West Tennessee has been conducted with few interruptions during this shortage of judicial officers.

Respectfully submitted,  
James D. Todd  
Chief Judge



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



*UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF KENTUCKY*

*ANNUAL REPORT*

*JOSEPH M. SCOTT, JR.  
CHIEF JUDGE*

*New Chief Judge.* Judge Joseph M. Scott, Jr., became our Chief Judge on October 1, 2001, replacing Judge William S. Howard.

*Judge Joe Lee.* Recalled Judge Joe Lee continues to be active with his caseload and handles overflow from our other two Judges. Judges Scott and Howard will be requesting the Circuit Council to recall him for another year beginning October 1, 2002.

*Filing Statistics.* Filings for the past year have continued to increase. Total case filings for 2001 were 11,534, an increase of 25% over 2000. The court received multiple high-profile chapter 11 cases during the year.

*Lotus Notes.* On December 3, 2001, our court was migrated from our prior e-mail system, Microsoft Exchange, to the new nationwide Lotus Notes system. The process required several site visits by Notes team members and coordination of local, District and Circuit resources. The hardware necessary to run Notes for the district was installed in our computer room, and we accepted responsibility for backing up and otherwise caretaking the hardware. The

migration to Notes involved transferring hundreds of megabytes of old e-mail to the new servers, training all users on the new software, and training four Systems staff on administrative and user support for the new support.

*FAS<sub>4</sub>T.* The AO notified our district court by letter dated July 20, 2001 that we had been selected for implementation of FAS<sub>4</sub>T. Mr. Whitmer, the district court clerk, notified the AO of the members of our Project Team. The team members were invited to Project Manager Training in Washington, DC the week of October 22-26, 2001. After our week at Project Manager Training, we began bi-weekly team meetings. We developed a communications plan and a document numbering plan. The team worked on creating a vendor table. We reconciled our balances with CAS data provided by the AO. The live date for FAS<sub>4</sub>T was fixed as March 1, 2002.

*CM/ECF.* We received notification of being part of Wave 4 in June 2001. Since then we have had three visits to courts, created committees, sent people to San Antonio for training, created most of the new dictionary, documented the current paper flow process, outlined chambers' needs, communicated with the bar to prepare them, worked on determining items needing conversion, prepared to begin training of staff/trustees/attorneys, and started preparing the new local rules. We are to go live on the

CM portion on June 3, 2002. We are to go live on the ECF portion on August 1, 2002.

In preparation for CM/ECF training, 3 employees attended Train-the-Trainer class and 5 employees Application Training in San Antonio. Much time and effort, including visits to three courts in San Diego, Kansas City and Atlanta, was spent setting up an appropriate training room. Our trainer attended the attorney training in San Diego and the Trustee training in Kansas City, Missouri. About 2000+ pages of training materials created by other courts were reviewed. A training committee of 7 employees was formed and met once a week starting in September 2001. Two weeks was spent preparing materials for the UK CLE seminars in January and February of 2002.

#### ***Employee Community Involvement.***

***American Heart Walk.*** On February 11, 2001, eight employees from the Clerk's Office (the USBC Walk Team) participated in the 2001 American Heart Walk held at the Nutter Field House on the University of Kentucky campus. This was a 1-3 mile non-competitive walking event to raise money for the American Heart Association. Our walk team raised \$445.00.

***Blood Drive.*** In August, 2001, we spearheaded a blood drive allowing all building tenants to participate in giving blood in a bloodmobile parked outside our

building. We had 23 participants registered and 20 units donated.

***Flu Shot Clinic.*** On December 6, 2001, the Clerk's Office set up a Flu Shot Clinic in one of our courtrooms. Nurses from the local Health Department administered the shots. This is an annual event with invitations going out to all employees who work in the Federal Building and in the building where the Bankruptcy Court is located. Approximately 30 people received flu shots.

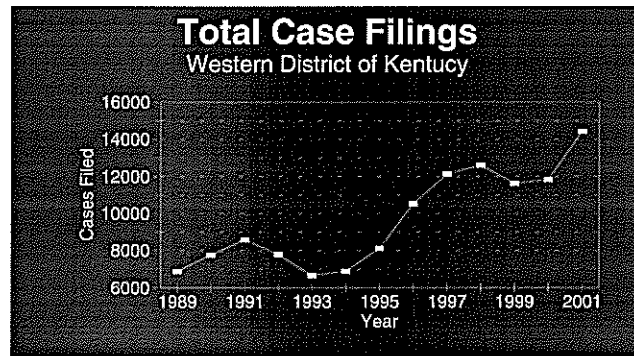
***Christmas Project.*** One of our case administrator teams made Christmas come true for a family in need, a single Dad with 2-year old twin daughters. The Family Care Center provided a list of suggested items, a toy and item of clothing for each child, a gift for Dad, and the fixings for a meal, with their wish list for favorite foods. The team members purchased everything they could possibly want/need. The fervor for this project spread throughout the office with many employees from other teams donating gifts as well. When the gifts were delivered, the father cried.

***Clerk.*** Our Clerk, Jerry D. Truitt, concluded his term as President of the Kentucky Bar Association on June 30, 2001, although he remains on the Board of Governors until June 30, 2002. His involvement with the bar has greatly assisted with the implementation of CM/ECF and other court programs.

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

**ANNUAL REPORT**

*Statistics.* The United States Bankruptcy Court for the Western District of Kentucky experienced a tremendous increase in case filings from the previous years. The chart below demonstrates the variations in filings for the last twelve years:



The following chart shows changes in filings, personnel, terminations and pending cases over the last five years.

<b>Filings for Year Ending December 31</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001 (Sept 30)</b>
<b>All Cases</b>	12137	12595	11833	11887	14145
<b>% Change</b>	16	.04	-.06	-.1	19
<b># of Staff</b>	46.5	44.5	43.5	43	43
<b># of Cases per Staff</b>	261	283	272	276	329
<b>All Terminations</b>	11609	12006	11945	11966	13461
<b>% Change</b>	26	.03	-.005	.4	12.5
<b>Pending Cases</b>	8908	9497	9385	9275	9960
<b>% Change</b>	.06	.06	-.01	-.9	7.4



*Joint Local Rules between the WDKY and the EDKY.* The Judges of both the Western District of Kentucky and Eastern District of Kentucky appointed a Joint Local Rules Committee with representation from both districts to draft local rules that draw the best from each district and coordinate practice between the two districts. The Joint Local Rules are expected to be finalized in the upcoming year.

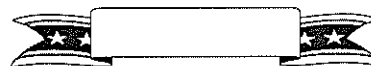
*CM/ECF.* This court along with the Eastern District of Kentucky volunteered for the 4<sup>th</sup> Wave of Implementation for CM/ECF. (Case Management/Electronic Case Filing) It is the hope of both courts that coordination between the two districts will enhance the acceptance of CM/ECF and ultimately provide better service to the practicing bar as well as members of the public. The Western District went live on the Case Management (CM) portion of CM/ECF on February 25, 2001 and plans to go live on the Electronic Case Filing (ECF) portion of CM/ECF in August of 2001.

*Electronic Court Recording.* The Western District of Kentucky USBC converted to ECRO in the Louisville and Owensboro divisions. Contract court reporters remain in the Paducah and Bowling Green divisions. The South Carolina Bankruptcy Court assisted in both training and providing materials for establishing procedures.

*Expiration of Judge J. Wendell Roberts Term.* On October 15, 2001 the term of Judge J. Wendell Roberts expired.

*Other Events and Projects.* This court continues to support the development of FAST after serving as a beta site by providing the services of our Financial Manager, Marcia Adams, to mentor other courts who are initiating FAST. In October of 2001, this court hosted court staff from the 6<sup>th</sup> Circuit for Lotus Notes training in our new training facility. The court continues to develop a comprehensive Quality Assurance Program for Case Management; creation of a Financial Desk Manual; and creation of a Human Resources Desk Manual.

David T. Stosberg  
Chief Judge  
U. S. Bankruptcy Court  
Western District of Kentucky



*UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN*

*REPORT TO THE SIXTH CIRCUIT  
FOR CALENDAR YEAR 2001*

Judge Jo Ann Stevenson  
Judge Randolph Baxter  
Judge Mary Ann Whipple

*Statistics*

The number of petitions filed in the district rose to 32,674 surpassing the previous record number of cases filed in 1998 by 16%. Despite the high number of cases filed and pending, the disposition of cases continued at a proficient pace.

*Visiting Judges*

With the cooperation of the Sixth Circuit Judicial Council, the district has greatly benefited and is grateful for the assistance of the following visiting judges in Detroit:

Judge Burton Perlman  
Judge David Stosberg  
Judge James Gregg  
Judge Jeffrey Hughes  
Judge Mary Ann Whipple

The Court also extends a welcome and appreciation to the following visiting judges who will assist the Court in the coming year in Flint and Bay City:

Judge George Paine  
Judge William Howard

*Additional Judgeships*

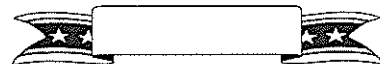
The need for an additional judgeship in the district continues to be justified by the weighted filings per judge. A request by the Circuit and Judicial Conference for an additional judge is still pending before Congress.

*The Bankruptcy Bar*

Bankruptcy practitioners in the Eastern District continue to provide substantial support to the Court in our pro bono and mediation programs and in continuing legal education. Of the 175 cases referred to mediation since the program began, approximately 56% have resulted in a settlement.

*Digital Audio Recording*

The Court implemented digital audio recording, the newest method of recording court proceedings, in the year 2001. Although there have been some technical difficulties, there has been no major delay in the ability to create and listen to the court record from the network or a computer disk.



*UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN*

*ANNUAL REPORT*

*Case Filings and Division of Cases.*

Bankruptcy case filings for calendar year 2001 totaled 13,974. This is an increase of 24.6% from calendar year 2000.

The judges each continue to handle approximately one-third of the total case docket. As of January 1, 2002, the responsibilities to travel to court locations were rotated by the judges. In addition to Grand Rapids cases: Judge Stevenson holds court in Marquette and Kalamazoo; Judge Hughes holds court in Traverse City and Kalamazoo, and Judge Gregg holds court in Lansing.

Commencing in May 2001, Judge Hughes and Judge Gregg are serving as visiting judges for the United States Bankruptcy Court for the Eastern District of Michigan. They will each continue to travel and handle cases in Detroit until the new bankruptcy judges are appointed and the new judges assume their responsibilities.

*Court Personnel.* As a result of the substantial caseload increase, authorized work units were increased from 48.6 (FY 2001) to 49.9 (FY 2002). The Clerk of the Court hired a full-time Human Resource Specialist in April, 2001. Two temporary

deputy clerks were hired in early 2002 to assist in case administration.

*Automation.* Our court has completed the second year utilizing the financial accounting system ("FAST"). One of our managers has become a leading FAST court mentor and she has assisted seven other courts to successfully implement the FAST program.

We maintain our practice and image all pleadings and documents filed with the court. Attorneys and the public continue to electronically access our court's case records, through the so-called PACER/RACER access. Quarterly billings for attorneys' electronic access to court records average \$21,000. Our local court website has recorded over 26,000 log-ins after May 1, 2000.

We have commenced planning and implementation of the new ("WAVE 7") Case Management/Electronic Case Filing System. The transition to this system is expected to be completed in October 2002. The judges and the court's staff are now learning about CM/ECF and we fully support this changeover.

*Court Management and Oversight.* In accordance with a Chief Bankruptcy Judges' Conference that took place during November 2001, some new management practices have been instituted. We have implemented an automated inventory

program to improve internal procurement controls. Also, a new report of travel expenditures is generated and periodically reviewed by the clerk and the chief judge. The court management and the chief judge have continued the previous practice of meeting quarterly to discuss all financial matters, including the review of actual and projected expenditures.

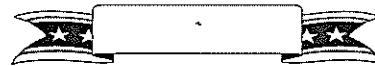
*Space and Facilities.* The bankruptcy courtroom renovation in Lansing, Michigan is scheduled to commence in April 2002. Assuming work progresses according to schedule, the project will be completed in November, 2002. During the construction period, Judge David McKeague, United States District Court for the Western District of Michigan, has graciously offered the use of his courtroom to the bankruptcy court to minimize any possible disruption in the hearing and disposition of contested matters and adversary proceedings.

Ross Drulis Architects, a contractor approved by the Administrative Office of the United States Courts, issued a report in 2001 which confirmed the space deficiencies of our court in Grand Rapids, Michigan. During September and October, 2001, representatives of the General Services Administration, the Sixth Circuit Court of Appeals, and the United States Bankruptcy Court for the Western District of Michigan, toured and reviewed our current substandard facilities. With the cooperation and assistance of Chief Judge Robert Holmes

Bell, United States District Court, Western District of Michigan, a formal request to relocate to leased commercial space has been made to the Sixth Circuit Judicial Council.

We are hopeful that approval of the project will soon occur and that planning and construction will proceed as expeditiously as possible. Our court currently only has approximately 50% of the space that is typical per design guide standards.

Respectfully submitted,  
James D. Gregg  
Chief Judge



*UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO*

*ANNUAL REPORT*

The last year saw the case load in the court increase 32% over the previous year, to a total of 36,950 cases filed, the sixth largest bankruptcy case load of all districts in the country. This includes several of the larger Chapter 11 cases now pending across the nation, including four basic steel companies. The increase of new case filings continues into this year, running 24% ahead of last year's record number.

We have experienced no change in judicial officers in the past year. The vacancy in Cleveland left by the retirement of Bankruptcy Judge David Snow is in the process of being filled. Judge William Bodoh became Chief Judge of the District on July 1, 2001.

A new court facility is under construction in Youngstown with occupancy targeted for the first week in September, a month ahead of schedule. Newly renovated facilities are in the design stage for Cleveland and new facilities are in the planning stage for Toledo and Canton.

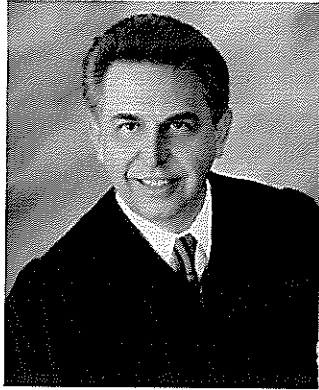
We are anticipating going on line with our case management-electronic case filing system in the next several months.

*UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO*

*ANNUAL REPORT*

The national trend of increased bankruptcy case filings was dramatically demonstrated in the Southern District of Ohio. According to the Administrative Office's statistics for the period ending September 30, 2001, the Southern District of Ohio had the second highest numeric increase in case filings in the nation (up 6,876 cases to 32,734 filings). The Court ranks 8th among the nation's 94 Judicial Districts and 2nd among the Circuit's 9 Districts.

The Court remains hopeful that the promise of a new Case Management and Electronic Case Filing (CM/ECF) system will move closer to reality and assist all participants in the bankruptcy process. The Court has been selected as one of the Administrative Office's Wave 6 courts and is in the initial stages of implementing the new Case Management system. Although a continuing high caseload and court locations in Cincinnati, Columbus and Dayton present special challenges, the Court remains committed to the goal of implementing a paperless court for the Southern District of Ohio.



*Hon. Thomas F. Waldron  
Chief Judge*

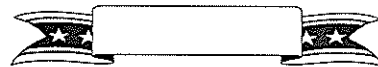
As part of the preparation for CM/ECF implementation, the Court, early in 2001, installed video conferencing equipment in all Court locations. This equipment is capable of conferencing up to four separate locations for a single event. This has enabled the Court to hold a great number of meetings without the time and expense of travel. Video conferencing has also been used for education and training, bench-bar committee meetings, local rule committee meetings, judges' meetings and was used by the Bankruptcy Appellate Panel for oral arguments. The many uses of the Court's videoconferencing equipment will be featured in a presentation on the Federal Judicial Television Network (FJTN).

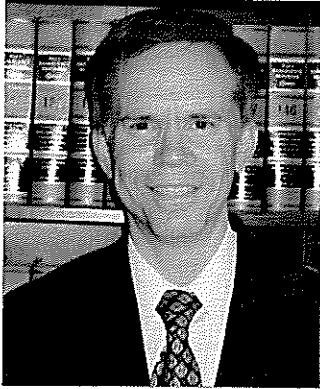
The Court takes particular pride in having held its first ever bankruptcy Bench-Bar Conversation last year. The Court has already implemented several of the recommendations flowing from that Conversation. The Conversation's 225 participants gave the event high marks with

the overwhelming majority favoring future annual Conversations. The next bankruptcy Bench-Bar Conversation is scheduled for May 22, 2002.

The Court is able to respond to the demands of the greatly increased caseload as a result of the combined efforts of the capable personnel in the Clerk's office, under the leadership of the Court's clerk, Michael D. Webb, and the dedicated service of Judges Thomas F. Waldron (Chief), John E. Hoffman, Jr., and William A. Clark (Recall) – Dayton; Barbara J. Sellers, Charles M. Caldwell, and Donald E. Calhoun, Jr., (Recall) – Columbus; and J. Vincent Aug, Jr., who also serves on the Bankruptcy Appellate Panel, Jeffery P. Hopkins, and Burton Perlman (Recall) – Cincinnati. The full time efforts of Recall Judges Perlman, Clark and Calhoun have been essential to the fulfillment of the Court's mission and deserve special recognition.

Respectfully submitted,  
Thomas F. Waldron  
Chief Judge





*Hon. John C. Cook  
Chief Judge*

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

***ANNUAL REPORT***

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

***Case Filings.*** A record number of bankruptcy cases were filed in the Eastern District of Tennessee for 2001. The total filings of 19,272 cases were up 22% from the previous year.

***Service Pins.*** Service citation pins were awarded to 9 employees whose cumulative work years total 175 years with the court and clerk's office. The district enjoys a very low rate of personnel turnover.

***Space and Facilities.*** The Greeneville divisional office moved from leased space into the new James E. Quillen U.S. Courthouse on October 1, 2001. The clerk's office now consists of 8788 square feet compared to 4614 in the leased space. Chambers now consist of 3,129 square feet compared to 834 in the leased space. The Bankruptcy Court now has its own state of the art courtroom complete with an audio/visual system and digital ECRO.

Upon completion of a ten-year lease with TVA, the interior of the Historic U.S. Courthouse in Chattanooga was completely repainted and carpeted by TVA. In addition, two judges exchanged space which was coordinated with this project. A new lease was negotiated in Chattanooga which provides for an additional seven years into the summer of 2008.

***Automation.*** The Integrated Case Management System received eight upgrades. The systems staff conducted the upgrades after hours and on weekends thereby providing uninterrupted service for our users.

The automation staff archived more than 12,602 cases last year. Presently, a

library of more than 130,000 cases is maintained.

Eleven upgrades have been installed on Pacer so that users can receive live Bancap information. Our enhanced Pacer and Internet site now includes automated postings of 341 meetings and motion calendars.

The Voice Case Information System continues to grow in popularity with more than 8,500 calls per month being logged. Four upgrades were installed on the system in 2001.

*Network Systems and Applications.* Our court unit upgraded over 100 user workstations from Windows 95 to Windows NT. By doing so, we added another layer of security and provided a more stable platform for our users. We installed the Enterprise Norton Antivirus software on our servers and PCs and have implemented the automated updating and reporting features to prevent and remove software viruses.

Two of our systems staff members received four weeks of advanced training for implementing Lotus Notes for our new email system. We successfully converted to Notes in January 2002, and sponsored a 12-unit training room for Notes' users training in Chattanooga for 90 users from district court, bankruptcy court, probation, and pretrial services.

In November, we successfully converted our financial system to FAS4T (Financial Accounting System for Tomorrow) which provides budget, procurement, accounts payable and receivables tools for use throughout the Judiciary. The training and preparation for implementing FAS4T consisted of a week's management/team training in Washington DC for selected staff from the district court, bankruptcy court, probation, and pretrial services in our district. The training preceded four intensive months of preparation with much on-site support from the Administrative Office as well as American Management Systems and Price Waterhouse Coopers. A key element in the overall success of FAS4T implementation nationwide has been the involvement of mentors from other court units. Our court personnel visited the bankruptcy and district courts in Maine and received valuable help toward compiling the various security forms and seeing hands-on use of the software. Other bankruptcy mentors from the Western District of Michigan, Maine, and Western District of Kentucky who were proficient in the use of FAS4T came to share their experiences and lead us to a successful implementation of FAS4T on November 1, 2001.

In October our Greeneville division office moved into the new courthouse in Greeneville. Although a major move of that sort can be disruptive, that office was completely functional within two days.

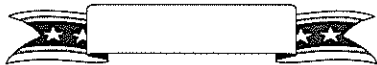


*FINANCIAL/BUDGET*

*Credit Cards.* The Bankruptcy Clerk's office, Chattanooga division, began accepting credit cards from law offices for the payment of filing fees and other bankruptcy related expenses. Law offices are required to complete an authorization form which is kept on file at the court. The plastic card program is a cash management tool supported by Bank of America and allows moneys received to be recorded without delay to the U.S. Treasury. The Knoxville and Greeneville divisions will implement the same process in early 2002.

*Budget Organization Plan*

Our court unit's Budget Organization Plan was recently completed and approved. This document is part of the Judicial Conference's ongoing expansion of budget decentralization and the need to clarify the role of judicial officers in local financial management. The document provides procedures for ensuring continuity, assigns responsibilities for specific budget tasks, and serves as a training tool.



*UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE*

*ANNUAL REPORT*

According to the Additional Bankruptcy Judgeship Needs Survey done by the Judicial Conference of the United States and sent to the circuits March 19, 2002, the Middle District had a weighted caseload per judge of 2,611. This compares with a national average of 1,593 weighted filings per judge. If the Middle District received one additional judge, the weighted filings per judge would be 1,959 and with two additional judges, it would be at 1,567.

Case filings continue to grow in the Middle District and are up 24 percent last year over calendar year 2000. This year to date, they are up another 10 percent over last year. If the trend continues, there will be an increase of nearly 50 percent over filings in calendar year 2000. Unfortunately for the clerk's office, the personnel allocation has remained constant which means a burdensome increase of work for staff.

Along with increased filings, postage costs are increasing commensurately. Even though the total cost of mail is going up significantly, so are savings through the locally-written program. The savings this year on postage are expected to exceed \$60,000.



*Hon. George C. Paine II  
Chief Judge*

To deal with the increased workload, the clerk's office during the past year has shifted to a self-directed team approach to management, utilizing terminal digit assignment to case managers. At this point, the outcome appears to be very favorable and should result in more accountability in addition to an increased rate of processing cases. Further, the clerk's office is installing 100 giga-byte hubs for the network. The installation is expected to be complete before the Conference and should significantly increase network operations.

The Middle District hosted five Russian commercial law judges March 9-17. The group included one supreme court judge, one appellate judge, and three trial judges. There was also a law student from Moscow who served as facilitator and two simultaneous translators.

In addition to seeing the tourist and music sites in Nashville and meetings with the Governor and Mayor, the judges met with Chapter 13 and 7 trustees; the clerk of

court; the U.S. Trustee; sat in on a mega-Chapter 13 hearing; attended a hearing in the Tennessee Court of Appeals and met with four state appellate judges; had lunch with ten lawyers at a large commercial law firm; met with the bankruptcy judges; met with Judge Joe Brown to discuss criminal aspects of the bankruptcy process; had lunch with Senior Judge Gil Merritt, Chief Judge Robert Echols, Senior Judge Tom Wiseman, Judge Marian Harrison, and Judge Joe Brown; observed hearings in a mega-bankruptcy case involving the sale of \$200 million worth of real estate leases and fee interests; and, had meetings at Vanderbilt Law School.

The visit of the judges was sponsored by the Library of Congress' Open World Program and is designed to promote relationships between the American and Russian judiciaries by bringing Russian judicial leaders to this country. Judge Chuck Simpson of Louisville and Judge Jennie Morgan of Detroit were simultaneously hosting general jurisdiction judges in the Western District of Kentucky and the Eastern District of Michigan.

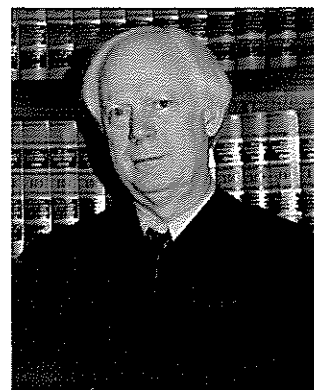
This is a wonderful opportunity for American judges to get to know their Russian counterparts and promote the Rule of Law and the Middle District would urge the other districts of the Circuit to volunteer to do the same.

*UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE*

*ANNUAL REPORT*

During CY 2001, the United States Bankruptcy Court for the Western District of Tennessee took in 26,188 new case filings as compared to 21,495 new case filings in CY 2000. This change represents an increase of 21.9 percent. Chapter 13 case filings increased by 18.5 percent as 18,777 new chapter 13 cases were filed. Chapter 13 case filings represent approximately 71 percent of the district's raw case filings. This figure of 71 percent has remained rather constant over the past several years.

An increase of 30.3 percent in chapter 7 case filings resulted in CY 2001 for a total filing of 7,256 new chapter 7 cases. Total filings under chapter 11 increased by 86.8 percent as 155 new chapter 11 cases were filed. This district also received 1,549 adversary proceedings in CY 2001 while closing 1,501 adversary proceedings during the CY year. This left the district with 571 pending adversary proceedings at the end of CY 2001. During CY 2001 the Clerk's Office closed a total of 24,415 cases, representing 3,308 more case closings (15.7 percent) than the previous year. Please see the attached statistical charts.



*Hon. David S. Kennedy  
Chief Judge*

The Bankruptcy Court for the Western District of Tennessee has begun to lay the "groundwork" for the future implementation of the new Case Management/Electronic Case Filing System (CM/ECF). Our Court has been designated for Wave Eight, which has a start date of March 2002. The Court plans to first install and become thoroughly well versed with the Case Management component before moving on to the Electronic Case Filing component of the system. The Court will first utilize Electronic Case Filing in all chapters in the Eastern Division Office located at Jackson, Tennessee. The Eastern Division Office is responsible for approximately 22 percent of the District's total case filings. After a successful implementation period, Electronic Case Filing will be made available in the Western Division Office located at Memphis, Tennessee.

A number of training and educational seminars for legal personnel were conducted by the Clerk's Office during CY 2001 in

both the Eastern and Western Division Offices. Four seminars were directed towards paralegals and legal secretaries to better acquaint them with the evolving practices of the court and, among other things, to foster communications. Additionally, two seminars were conducted for attorneys and their staffs to highlight the numerous technological advances that the Clerk's Office has made and intends to make in the future that will change the way that our offices interact. It is believed through a constant and open dialog that automated changes will be viewed as a positive process rather than a burden.

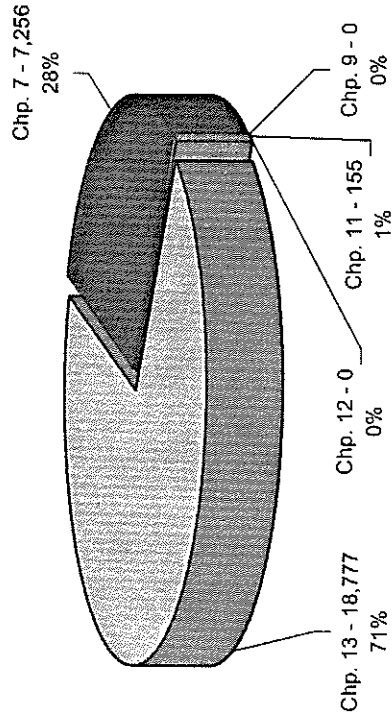
FOR THE COURT:

David S. Kennedy, Chief Judge  
Jed G. Weintraub, Clerk of Court

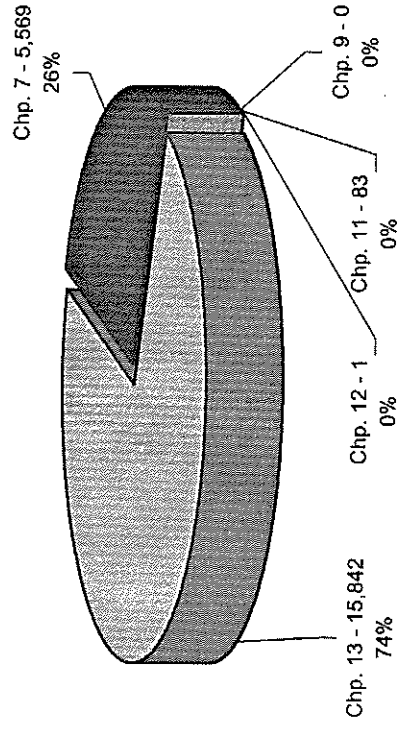


United States Bankruptcy Court  
Western District of Tennessee

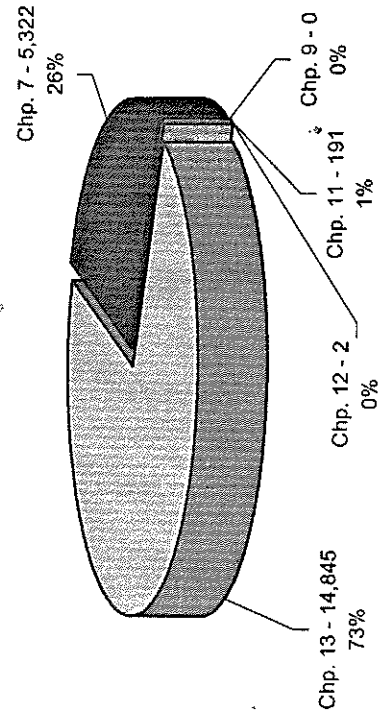
Bankruptcy Case Filings  
December 31, 2000 thru December 31, 2001



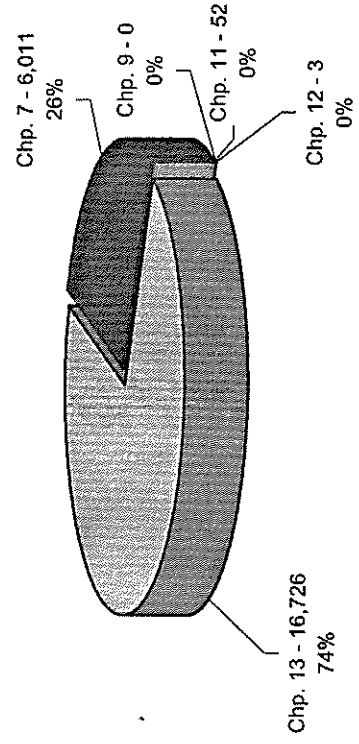
Bankruptcy Case Filings  
December 31, 1999 thru December 31, 2000



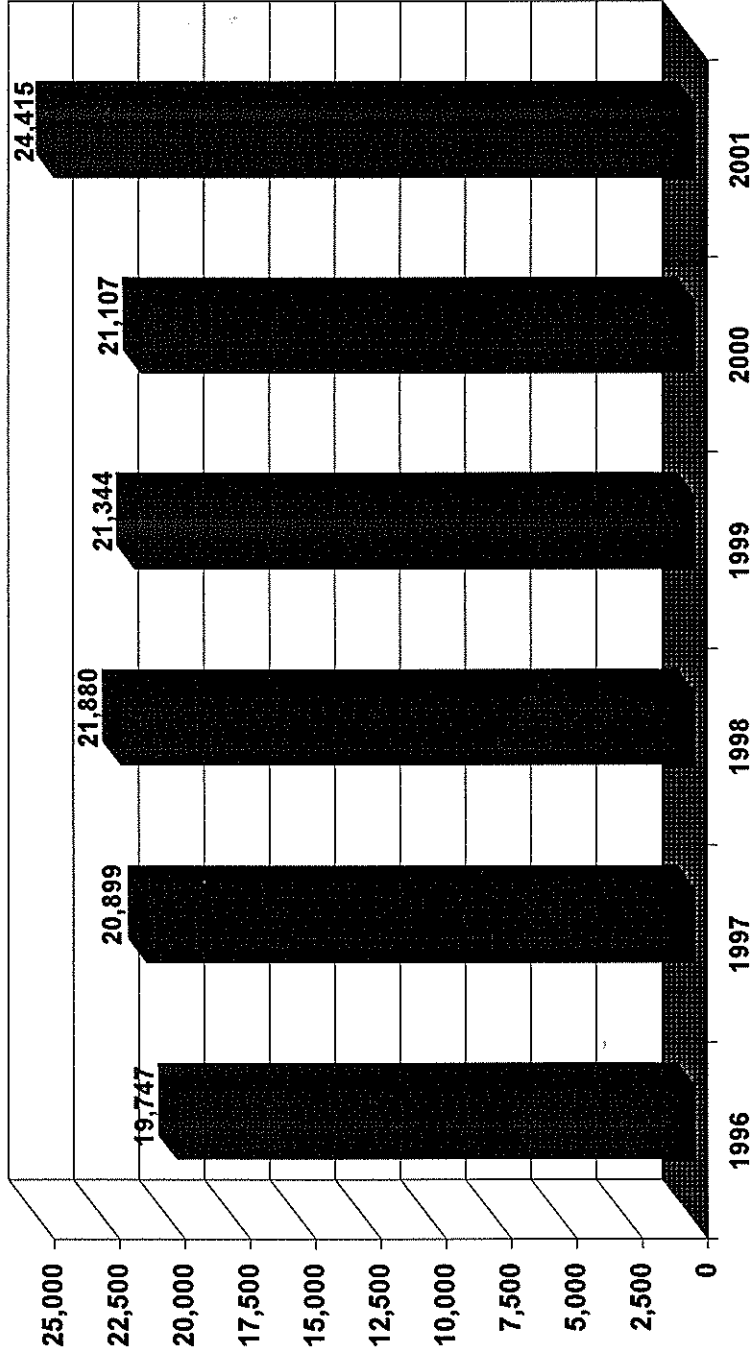
Bankruptcy Case Filings  
December 31, 1998 thru December 31, 1999



Bankruptcy Case Filings  
December 31, 1997 thru December 31, 1998



**Total Closings For Western District By Year  
12 Month Period Ending December 31, 2001  
and 12 Prior Month Intervals**





*IN MEMORIAM*

*Honorable Leroy J. Contie, Jr.*

*and*

*Honorable William K. Thomas*



*MEMORIAL TRIBUTE TO  
HONORABLE LEROY J. CONTIE, JR.  
(1920-2001)*

Judge Leroy J. Contie, Jr. was never a person to leave anything to chance. He was always forward looking, whether in preparing for oral argument as an appellate judge, handling his personal matters or otherwise anticipating the future. This trait was evident even as he was about to enter the Cleveland Clinic for what turned out to be his final hospitalization. Apparently sensing the inevitable, Judge Contie made a series of phone calls to friends and colleagues to discuss his condition and the surgical procedure awaiting him.

Yet, in hindsight, it is now clear to those with whom he spoke; that Judge Contie, in keeping with his penchant for foreword-lookingness, was actually giving his final thanks and farewell. And so it was, for on Friday, May 11, 2001, he died in Cleveland Clinic of pneumonia and other complications from surgery. His funeral was held on May 16, 2001, at St. Michael's Church in Canton, Ohio, with an impressive number of judicial colleagues, led by Chief Judge Boyce F. Martin, Jr. in attendance.

His death brought to a close a life of 81 years, that included nearly fifty years of public service with over thirty of them as a state and federal judge. He deservedly received and wore the approbation of a "judges' judge."

A trusted counselor to all who came in contact with him, Judge Contie was devoted in a tireless manner to the law in the various capacities in which he served, to his beloved



family and to his community. He, in all that he did, maintained a reputation as fair and demanding.

On the occasion of his portrait being hung in the Akron Courtroom where he presided as a district judge, a host of speakers offered tributes. William M. Oldham, president of the Akron Ohio Bar Association, observed:

“Judge Contie was always prepared and he expected the lawyers who appeared before him to also be prepared. He kept a firm hand on all proceedings . . . and required courtesy . . . between the parties, their counsel and witnesses. He never needlessly embarrassed a lawyer in front of his clients . . .”

A similar view was expressed by another speaker who commented on his performance as an appellate judge:

“. . . he never pontificates. He never assumes an all-knowing posture. He simply but carefully outlines his view of a case, the applicable law as he sees it, and suggests a disposition. He was thoroughly prepared in the law and familiar with the facts.”

Moreover, Judge Contie was unfailingly kind to all of his colleagues with thoughtful personal notes and birthday and holiday greetings.

A Canton native, Judge Contie received his Bachelor's Degree from the University of Michigan in 1941. He then served in the United States Army from 1942 to 1946 and then

returned to the University of Michigan Law School from which he graduated in 1948. Preceding his extensive judicial career were more than twenty years in the private practice of law in Canton with his father, Leroy Contie, Sr.

While so engaged, lawyer Contie also served his beloved City of Canton as its elected law director from 1952 through 1960. In that capacity, he gave the City of Canton legal direction as it expanded its highway system and acquired the necessary lands in an adjoining county to protect Canton's municipally owned water supply. It was as a city law official, that he courageously led efforts to clean up crime and corruption. These activities resulted in his home being bombed, traumatizing Mrs. Contie and doing extensive property damage.

An active member of the Stark County Republican Party, he, following his retirement as Canton's Law Director, served as a member of the Stark County Board of Elections from 1964 to 1969. It was that year that his judicial career commenced when appointed to the Court of Common Pleas by former Governor James A. Rhodes.

Judge Contie began his federal judicial career in 1971 when appointed a district judge by President Richard Nixon to the Northern District of Ohio. While continuing to reside in Canton, Judge Contie served in both Cleveland and Youngstown until the new federal court house was constructed and opened in Akron on June 1, 1975. In 1982, President Reagan elevated him to the Sixth Circuit where he served with great distinction as an active and later as Senior Judge, until his retirement in May of 2000. His death leaves a huge void in the profession he loved.

He is survived by Janice, his devoted wife and constant companion of 47 years, his son Leroy, his daughter Ann Benson and two grandchildren.

THEREFORE, BE IT RESOLVED that the Sixty-second Judicial Conference of the Sixth Circuit, in session at Cleveland, Ohio this 29th day of May, 2002, pays tribute to the memory of United States Circuit Judge Leroy J. Contie, Jr.; 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 Contie's family as a testament to the esteem in which Judge Contie was held by the members of this Conference and as an expression of our sympathy.

Respectfully submitted,

Honorable Nathaniel R. Jones  
United States Circuit Judge Retired  
Sixth Circuit Court of Appeals

Honorable David D. Dowd, Jr.  
United States District Judge  
Northern District of Ohio

Honorable Harold F. White  
United States Bankruptcy Judge, Retired  
Northern District of Ohio

*MEMORIAL RESOLUTION  
IN HONOR OF  
WILLIAM KERNAHAN THOMAS  
1911 -2001*

The Northern District of Ohio lost one of its most distinguished jurists when Judge William K. Thomas passed away in Cleveland on March 20, 2001, shortly after celebrating his 90th birthday.

Judge Thomas was born in Columbus, Ohio, and obtained his undergraduate and law degrees from Ohio State University, graduating cum laude and Phi Beta Kappa in undergraduate and then receiving the Order of the Coif in law school. He established a successful practice as a trial lawyer, but his practice was interrupted by World War II. He served in the Navy in both the Atlantic and the Pacific and was aboard a Liberty Ship that was torpedoed but did not sink. Always the scholar, Judge Thomas read and annotated the complete works of Shakespeare during his naval service.

After the war, Judge Thomas resumed the practice of law, but in 1950 he accepted a "short term" appointment by his friend, Governor Frank J. Lausche, to the Common Pleas Court of Geauga County, Ohio -- a position which paid the magnificent annual salary of \$4,800. Very quickly Judge Thomas determined that he enjoyed being a judge, and he ran for and was elected to the court. Judge Thomas had the good sense to live only a few blocks from the county line, and in a couple of years, he resigned from the Geauga County bench and moved into Cuyahoga County, whereupon Governor Lausche appointed him to the

Common Pleas Court in Cuyahoga County (which paid better, since the county was more populous). During his service on that court, Judge Thomas handled many high-profile cases and gained a reputation for fairness and scholarship. In 1961 he was named by Fortune Magazine to its "Blue Ribbon Jury of American Judges."

In 1966 President Lyndon B. Johnson appointed Judge Thomas to the United States District Court for the Northern District of Ohio. Over the years Judge Thomas came to represent to the bar and to the public the finest qualities of a judge--integrity, fairness, judicial demeanor, scholarly writing, tireless work habits, and humility. He served on several Judicial Conference committees. Although he took senior status in 1981, he continued to hear cases for the court until 1998. In 1994, the Ohio State Bar Association awarded him its highest honor, the Ohio Bar Medal, and last October his alma mater, Ohio State University Law School, gave him its first Distinguished Jurist Award.

Judge Thomas was married for 55 years to the former Dorothy Good, who passed away in 1992. Their children are Cynthia Yates of Detroit; John of Sausalito, California; Richard of Washington, D.C.; and Stephen of Chagrin Falls, Ohio.

Now therefore, BE IT RESOLVED that the Sixty-second Judicial Conference of the Sixth Circuit in session at Cleveland, Ohio, this 29th day of May, 2002, pays tribute and expresses appreciation for the memory of Judge William K. Thomas, who served the nation, the district, and the state with distinction and honor.

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

Respectfully submitted,

Robert B. Krupansky  
Senior Circuit Judge  
Sixth Circuit Court of Appeals

Paul R. Matia  
Chief Judge  
Northern District of Ohio

John M. Manos  
Senior District Judge  
Northern District of Ohio

*Picture on Front Cover of the  
Downtown Cleveland Skyline  
by Mort Tucker Photography  
Cleveland, Ohio*