

1995 Annual Report



*Presented to
Sixth Circuit Judicial
Conference
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Asheville, North Carolina*

*The Potter Stewart United States Courthouse
Dedicated May 4, 1994*

*Hon. Gilbert S. Merritt
Chief Judge*

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Judicial Administration in the Sixth Circuit

Introduction

The Sixth Circuit continues to have a significant impact in the administration of the federal court system. With over 180 judicial officers and 2,000 staff members to handle the more than 134,000 appeals, district court cases and bankruptcy filings during 1994, the Sixth Circuit represents approximately ten percent of the total federal judicial resources.

The work of the federal courts in the Sixth Circuit mirrored, in general, the national experience during 1994. While the overall workload remained high, case filings declined last year. Nationally, the number of appeals declined by four percent. The Sixth Circuit Court of Appeals was right in step with a four percent drop in its filings, the largest single decline in over two decades. In the district courts of the Sixth Circuit, civil cases were down slightly less than two percent, in contrast to a three percent national increase in civil case filings. Criminal cases in the Sixth Circuit were down by nearly five percent, which was somewhat greater than the national decline of three percent in criminal cases.

On the national scene, bankruptcy cases, which had increased for eight years, fell by almost seven percent. In the Sixth Circuit, bankruptcy cases fell by approximately eight percent.

Several judges in the Sixth Circuit were appointed to key administrative positions within the judiciary's Judicial Conference committee structure. Chief Circuit Judge Gilbert S. Merritt was appointed Chair of the Executive Committee of the Judicial Conference, which has the responsibility to set the agendas for Conference meetings, to act on behalf of the Conference between regular sessions, and to determine the jurisdiction of the Conference Committees. Circuit Judge H. Ted Milburn was appointed Chair of the Committee on the Administrative Office. That Committee monitors the operations of the Administrative Office and receives and reacts to complaints or suggestions concerning the Administrative Office and recommends appropriate action to the Director. Chief District Judge Julia S. Gibbons of the Western District of Tennessee was appointed Chair of the Committee on Judicial Resources which is responsible for overseeing all issues of personnel administration, including the need for additional Article III judges and support staff.

JUDICIAL CONFERENCE of the UNITED STATES

The Judicial Conference of the United States is the chief policy-making 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:

Chief Judge Merritt appointed Chairman of the Executive Committee of the U.S. Judicial Conference

- Formulation of the budget for the judicial branch and presentation of the budget to the Congress.
- Submission of recommendations to Congress for additional judge-ships.
- 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.

- Supervision of judicial ethics and discipline.

The Judicial Conference meets twice 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 serves for a term of three years. Former Chief Judge Thomas D. Lambros of the Northern District of Ohio was elected in 1993 to a three-year term beginning in September of that year. Upon Judge Lambros' retirement from office in February of this year, the Chief Justice designated Chief Judge John D. Holschuh of the Southern District of Ohio to attend the March 1995 session of the Judicial Conference.

Elections will be conducted at the 1995 Sixth Circuit Judicial Conference to select the district judge representative for the balance of the unexpired term ending in October 1996 as well for the new term beginning at that time.

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 following persons from the Sixth Circuit currently serve on committees of the Conference:

Hon. Alice M. Batchelder
Sixth Circuit
Advisory Committee on Bankruptcy Rules

Hon. William O. Bertelsman
Eastern District of Kentucky
Committee on Rules of Practice and Procedure

Hon. Danny J. Boggs
Sixth Circuit
Committee on Automation and Technology

Prof. Edward H. Cooper
Michigan
Reporter, Advisory Committee on Civil Rules

Hon. Nancy G. Edmunds
Eastern District of Michigan
Committee on Defender Services

Hon. Albert J. Engel
Sixth Circuit
Committee on Financial Disclosure

Hon. Julia S. Gibbons
Western District of Tennessee
Chair, Committee on Judicial Resources

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

Hon. Thomas A. Higgins
Middle District of Tennessee
Committee on Court Administration and Case Management

Hon. Douglas W. Hillmann
Western District of Michigan
Committee on the Administration of the Magistrate Judges System

Hon. James H. Jarvis, II
Eastern District of Tennessee
Committee on the Codes of Conduct

Hon. Edward H. Johnstone
Western District of Kentucky
Committee on the Administration of the Bankruptcy Law

Hon. Nathaniel R. Jones
Sixth Circuit
Committee on International Judicial Relations

Hon. Cornelia G. Kennedy
Sixth Circuit
Committee to Review Circuit Council Conduct and Disability Orders Rules

Hon. Robert B. Krupansky
Sixth Circuit
Committee on Financial Disclosure

Henry A. Martin, Esq.
Middle District of Tennessee
Advisory Committee on Criminal Rules

Hon. Gilbert S. Merritt
Sixth Circuit
Chair, Executive Committee

H. Ted Milburn
Sixth Circuit
Chair, Committee on the Administrative Office

Hon. Virginia M. Morgan
Eastern District of Michigan
Committee on Long Range Planning

Hon. Thomas J. Moyer
Chief Justice, Ohio Supreme Court
Committee on Federal-State Jurisdiction

Hon. David A. Nelson
Sixth Circuit
Committee on Criminal Law

Hon. George C. Paine II
Middle District of Tennessee
Committee on State Federal Jurisdiction

James K. Robinson, Esq.
Eastern District of Michigan
Advisory Committee on the Rules of Evidence

Hon. Eugene E. Siler, Jr.
Sixth Circuit
Committee on the Judicial Branch

Hon. Lawrence P. Zatkoff
Eastern District of Michigan
Committee on Security, Space and Facilities

New Committees Created. Pursuant to a recommendation by an *ad hoc* committee chaired by Chief Judge Merritt, Chief Justice William H. Rehnquist has appointed a new Committee on International Judicial Relations to coordinate the federal judiciary's relationship with foreign judiciaries and with official and unofficial agencies and organizations interested in international judicial relations and the establishment and expansion of the rule of law. Judge Nathaniel R. Jones of the Sixth Circuit was named by the Chief Justice to serve on this committee.

Committee Membership Changes. Several other changes were made in committee assignments pursuant to the Chief Justice's policy of generally limiting appointments to the Judicial Conference

Committees to two three-year terms. A number of judges completed service as committee members and were released from further service with the appreciation of the Chief Justice. Circuit Judge Danny J. Boggs was released from service on the Advisory Committee on Appellate Rules upon his appointment to the Committee on Automation and Technology. Circuit Judge Nathaniel R. Jones was released from the Committee on Codes of Conduct upon his appointment as a member of the Committee on International Relations. Judge Benjamin F. Gibson was released from the Committee on Automation and Technology, and Judge David S. Kennedy was released from the Committee on the Administration of the Bankruptcy System upon the expiration of their terms.

New Appointments. As noted above, Judges Danny J. Boggs and Nathaniel R. Jones were appointed to the Committee on Automation and Technology and the Committee on International Judicial Relations, respectively. Judge Nancy Edmunds was appointed to the Committee on the Administration of the Magistrate Judges System. Judge John G. Heyburn, II was appointed to the Committee on the Budget, and Judge James H. Jarvis was appointed to the Committee on Codes of Conduct.

Reappointments. Judge Thomas A. Higgins was reappointed to a three year term on the Committee on Court Administration and Case Management, and Judge George C. Paine, II was appointed to a three year term on the Committee on Federal State Relations.

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.

There are 19 members of the council consisting of the chief circuit judge, nine circuit judges, and the chief judges of the nine districts. The current membership of the Sixth Circuit Judicial Council is as follows:

Council Membership

Chief Judge Gilbert S. Merritt
Chair
Circuit Judge Boyce F. Martin, Jr.
Circuit Judge H. Ted Milburn
Circuit Judge David A. Nelson
Circuit Judge Danny J. Boggs
Circuit Judge James L. Ryan
Circuit Judge Eugene E. Siler, Jr.
Circuit Judge Alice M. Batchelder
Circuit Judge Martha Craig Daughtrey
Circuit Judge Karen Nelson Moore
Chief District Judge William O. Bertelsman
Eastern District of Kentucky
Chief District Judge Charles R. Simpson III
Western District of Kentucky
Chief District Judge Julian Abele Cook, Jr.
Eastern District of Michigan
Chief District Judge Richard A. Enslin
Western District of Michigan
Chief District Judge George W. White
Northern District of Ohio
Chief District Judge John D. Holschuh
Southern District of Ohio
Chief District Judge James H. Jarvis
Eastern District of Tennessee

Chief District Judge John T. Nixon
Middle District of Tennessee
Chief District Judge Julia S. Gibbons
Western District of Tennessee

Non-voting Members:

Chief Bankruptcy Judge David S. Kennedy
Western District of Tennessee
Magistrate Judge Peggy P. Patterson
Eastern District of Kentucky

Council Committees

Although not as extensive as the committee structure of the Judicial Conference of the United States, the Council also operates through a committee structure. As with the Judicial Conference of the United States, not all committee members are members of the council itself. The committees of the Council are as follows:

Executive Committee

Honorable Gilbert S. Merritt, Chair
Honorable Boyce F. Martin, Jr.
Honorable Danny J. Boggs
Honorable Martha Craig Daughtrey
Honorable George W. White
Honorable James H. Jarvis
Honorable Julia S. Gibbons

Investigating Committee

Honorable Gilbert S. Merritt, Chair
Honorable Cornelia G. Kennedy
Honorable Boyce F. Martin, Jr.
Honorable Nathaniel R. Jones
Honorable H. Ted Milburn
Honorable Douglas W. Hillman
Honorable William O. Bertelsman
Honorable Thomas A. Higgins
Honorable S. Arthur Spiegel

Senior Judge Personnel and Facilities Committee

Honorable John D. Holschuh, Chair
Honorable Danny J. Boggs
Honorable Julian Abele Cook, Jr.

***Ad Hoc* Committee to Study A Bankruptcy Appellate Panel**

Honorable H. Ted Milburn, Chair
Honorable Jerome Turner
Honorable Benjamin F. Gibson
Honorable Paul R. Matia
Honorable Joseph M. Hood
Honorable David S. Kennedy
Honorable Steven W. Rhodes
Honorable Barbara J. Sellers
Kathleen McCree Lewis, Esq.
Mark A. Robinson, Esq.

The Council meets in regular session twice each year, including a meeting in conjunction with the circuit judicial conference. Special meetings are held as

necessary, and much of the routine business of the Council is transacted by mail votes, either of the full council or of the executive committee. The circuit executive provides the staff and administrative support for the Council.

Judicial Council establishes an *Ad Hoc* Committee to Study a Bankruptcy Appellate Panel and Task Forces on Gender Fairness and Racial and Ethnic Fairness in the federal courts of the Sixth Circuit.

The council continued to monitor the progress made by the district courts in the circuit in reducing the backlog of pending motions, bench trials under advisement and civil cases awaiting trial. The council also established a procedure for monitoring the disposition of vouchers pending for more than 90 days filed by counsel and experts appointed under the Criminal Justice Act.

The council adopted rules for the extended recall of retired bankruptcy judges and approved requests for extended recall by retired bankruptcy judges Ralph E. Kelley of the Eastern District of Tennessee, Burton Perlman of the Southern District of Ohio, and Harold F. White and Walter J. Krasniewski of the Northern District of Ohio.

Each judicial council is required by 28 U.S.C. 332(d)(4) to review periodically the local rules of the district courts within

its circuit for consistency with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Federal Rules of Evidence. The council is authorized to abrogate any local rule that is inconsistent with the federal rules. The council sought to comply with its mandate to review local rules, but encountered difficulty in determining whether the provisions of the Civil Justice Reform Act which authorize each district to experiment with local rules and procedures supersede the Federal Rules of Civil Procedure and other statutory rules of practice. Upon due consideration, the council voted to suspend further review of local rules until it receives guidance from Congress, the Judicial Conference of the United States or by case law on the question of whether the provisions of the Civil Justice Reform Act take precedence over the Federal Rules of Civil Procedure.

In response to a provision in the Bankruptcy Reform Act of 1994, Public Law 103-394, which requires each judicial council to establish a Bankruptcy Appellate Panel unless it determines that (1) there are insufficient judicial resources available in the circuit, or (2) establishment of such service would result in undue delay or increased cost to parties in cases under Title 11, the council authorized Chief Judge Merritt to appoint a committee to study the issues raised by the Bankruptcy Appellate Panel provisions of the Bankruptcy Reform Act of 1994. Taking note of the fact that the subject of the Bankruptcy Appellate

Panels would be on the program for the 1995 Sixth Circuit Judicial Conference, the council asked that the committee take into consideration the reaction obtained at the conference. Circuit Judge H. Ted Milburn was appointed chairman of the committee to study the Bankruptcy Appellate Panel.

The council also unanimously approved the establishment of two separate task forces to study the issues of gender bias and racial or ethnic bias in the federal courts of the Sixth Circuit, with each task force to operate under the general coordination and supervision of a joint steering committee. The council authorized the Chief Judge to appoint the two task forces and the joint steering committee as well as to establish mandates for the task forces. As of the preparation of this report, the members of the joint steering committee and the two task forces were being selected.

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 he finds to be directly related to the merits of a decision or procedural ruling of the judge complained against or which he finds to be frivolous. The Chief Judge also may close a complaint if he concludes that appropriate corrective action has been taken.

If the Chief Judge cannot dispose of the complaint, he must certify the complaint to the 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, temporarily suspending 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, 1993, 49 complaints were filed in the Sixth Circuit; 43 of those complaints were terminated during 1993. Forty-three of the complaints were filed by disappointed litigants. Thirty-six of the complaints were dismissed by the Chief Judge as directly related to the merits of a decision or procedural ruling of the

judge or judges who were the subject of the complaint. Two of the complaints were dismissed by the Chief Judge as not in conformity with the statute, and three of the complaints were dismissed as frivolous. One complaint was closed by the Chief Judge upon his finding that appropriate corrective action had been taken, and one complaint was referred to the special investigating committee of the Judicial Council during 1993. After an investigation and hearing by the investigating committee, the council, upon the committee's recommendation, dismissed the complaint.

During the year ended December 31, 1994, 60 complaints were filed in the Sixth Circuit; 43 of those complaints were terminated during 1994. Forty-four of the complaints were filed by disappointed litigants, and sixteen complaints were filed by non-litigants, including one complaint filed by an attorney. Thirty-four of the complaints were dismissed by the Chief Judge as directly related to the merits of a decision or procedural ruling of the judge or judges who were the subject of the complaint. Two of the complaints were dismissed by the Chief Judge as not in conformity with the statute, and seven of the complaints were dismissed as frivolous. No complaints were closed by the Chief Judge upon his finding that appropriate corrective action had been taken, no complaints were referred to the special investigating committee of the Judicial Council during 1994.

SIXTH CIRCUIT JUDICIAL CONFERENCE

Background. Two of the recommendations of the Ad Hoc Committee that was formed nearly six years ago to study the effectiveness of the Sixth Circuit Judicial Conference have been adopted and put into practice in the Sixth Circuit. The first is the establishment of a standing committee to plan future judicial conferences; the 1995 Judicial Conference is the result of the planning done by the new standing committee. The second is the plan to hold an open registration conference as a further experiment.

New Standing Committee. The new standing committee is composed of circuit, district, bankruptcy, and magistrate judges from throughout the circuit as well as members of the bar from throughout the circuit. Unlike the situation in prior years when a planning committee was appointed for each conference, the new standing committee will provide some much-needed continuity in the planning of circuit conferences for periods of up to three and four years into the future. The membership of the new committee is as follows:

Hon. Douglas W. Hillman
Grand Rapids, Michigan
Chair

Hon. Nathaniel R. Jones
Cincinnati, Ohio

Hon. Eugene E. Siler
London, Kentucky
Hon. Martha Craig Daughtrey
Nashville, Tennessee
Hon. John D. Holschuh
Columbus, Ohio
Hon. George W. White
Cleveland, Ohio
Hon. Anna Diggs Taylor
Detroit, Michigan
Hon. Robert Holmes Bell
Grand Rapids, Michigan
Hon. Leon Jordan
Knoxville, Tennessee
Hon. John G. Heyburn, II
Louisville, Kentucky
Hon. Nancy G. Edmunds
Detroit, Michigan
Hon. Jon P. McCalla
Memphis, Tennessee
Hon. James G. Carr
Toledo, Ohio
Hon. George C. Paine, II
Nashville, Tennessee
Hon. Peggy E. Patterson
Ashland, Kentucky
Odell Horton, Jr., Esq.
Memphis, Tennessee
Kathleen McCree Lewis, Esq.
Detroit, Michigan
Richard F. Newell, Esq.
Louisville, Kentucky
Katherine Randall, Esq.
Lexington, Kentucky
Samuel H. Porter, Esq.
Columbus, Ohio

1996 Judges Meeting Planned. The federal circuits continue to be subject to the directive by Congress to reduce the funding of circuit conferences. Responding to that policy while

recognizing the need for the judicial officers of the circuit to meet to discuss matters of judicial administration and to continue their education, the planning committee is planning to hold a judges' only meeting at Mackinac Island, Michigan on July 7-10, 1996.

Open Meeting Planned for 1997.

One of the recommendations of the Ad Hoc Committee on the Judicial Conference that was endorsed by the Court of Appeals was the proposal that a future experimental conference be held which would be open to all attorneys who practice in the federal courts in the Sixth Circuit. The Planning Committee is working on plans to implement that proposal with an "open registration" conference to be held in 1997, if a suitable location can be found. The dates and location of the 1997 conference will be announced as soon as possible.

**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. Thomas M. D'Alessandro serves as Assistant Circuit Executive for Administration with primary responsibility for procurement and budget matters and oversight over the space and facilities functions. Kay Lockett is the Assistant Circuit Executive for Program Management, with primary responsibility for staff support to the Judicial Council and its committees as well as staff support for Bankruptcy and Federal Public Defender Merit Selection Panels. William M. Eggemeier is Assistant Circuit Executive for Automation. He heads up the consolidated automation support unit for the Court of Appeals which operates the case management system, provides personal computer support and training, and administration of the data communications network. Mr. Eggemeier also oversees the circuit-wide implementation of the data network and telecommunications programs and convenes the automation users from the district and bankruptcy courts throughout the circuit. Gary A. Johnson joined the staff in 1994 as Assistant Circuit Executive for Space and Facilities. Mr. Johnson 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, recom-

mentation, or oversight. Prior to joining the Circuit Executive's office, Mr. Johnson worked as a space and facilities project manager for the General Services Administration in Chicago from 1990 to 1994, and prior to that as a design project manager for the IBM Corporation from 1969 to 1990.

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. In addition, the Office of the Circuit Executive, under the supervision of the Chief Judge, prepares the panel assignments for the Court of Appeals and makes arrangements for scheduling visiting judges to sit with the court.

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 assignment of circuit, district and bankruptcy judges.



Judicial Personnel in the Sixth Circuit

Deaths

George C. Edwards. The Honorable George C. Edwards, Senior United States Circuit Judge of the Sixth Circuit Court of Appeals, died on April 8, 1995. Judge Edwards was the first federal appellate judge to be nominated by two presidents. His nomination was pending when President John F. Kennedy was assassinated. President Lyndon B. Johnson then renominated him. Judge Edwards was appointed on December 19, 1963. He served as Chief Judge of the Sixth Circuit from January 15, 1979 until October 1, 1983. Judge Edwards assumed senior status on January 15, 1985; and he retired from the bench in 1991 when ill health required him to take full retirement. Prior to his appointment to the federal bench, Judge Edwards served as Probate Judge in charge of the Wayne County, Michigan Juvenile Court; Circuit Judge of the Third Judicial Circuit in Wayne County, Michigan; Associate Justice of the Michigan Supreme Court; and Commissioner of Police in Detroit.

John W. Peck. The Honorable John W. Peck, Senior United States Circuit Judge of the Sixth Circuit Court of Appeals, died on September 7, 1993. Judge Peck was appointed to the Court of Appeals on July 22, 1966; and prior to his appointment to the Court of Appeals, served as United States District Judge for the Southern

District of Ohio from 1961 to 1966. Judge Peck assumed senior status on July 1, 1978 and continued to render valuable service to the Sixth Circuit Court of Appeals and other Circuit Courts throughout the United States by designation of the Chief Justice of the United States. The federal building at 550 Main Street, Cincinnati was named for Judge Peck in 1984.

Frank J. Battisti. The Honorable Frank J. Battisti, Senior United States District Judge for the Northern District of Ohio, died on October 19, 1994. Judge Battisti was appointed to the bench in 1961 by President John F. Kennedy. He was chief judge of the Northern District of Ohio from August 3, 1969 to January 16, 1990. Judge Battisti assumed senior status on April 1, 1994. He continued to render valuable service to the District Court until his untimely death.

Ronald E. Meredith. The Honorable Ronald E. Meredith, Chief Judge of the United States District Court for the Western District of Kentucky, died on December 1, 1994 following a long battle against cancer. He was appointed to the bench on April 4, 1985 and became chief judge of the Western District of Kentucky on November 26, 1991. He served as chief judge until his untimely death. Prior to his appointment to the bench, Judge Meredith served as United States Attorney for the Western District of Kentucky.

Scott Reed. The Honorable Scott Reed, Senior United States District Judge for the Eastern District of Kentucky, died on February 17, 1994. Judge Reed was appointed to the District Court in November of 1979. Prior to his appointment to the District Court, he served as the first Chief Justice of the Kentucky Supreme Court which was established by amendment to the Kentucky Constitution in 1976. Judge Reed assumed senior status in 1989 and retired completely in 1991.

Clive W. Bare. The Honorable Clive W. Bare, retired United States Bankruptcy Judge for the Eastern District of Tennessee, died on July 13, 1994. Judge Bare served nearly thirty years having been appointed a bankruptcy referee in 1957 and retiring from active service in 1986. For several years following his retirement, Judge Bare served as a recalled bankruptcy judge in the Eastern District of Kentucky. Judge Bare is best known for his handling of the Butcher banking collapse in the early 1980's.

Charles R. Laurie. The Honorable Charles R. Laurie, retired United States Magistrate Judge for the Northern District of Ohio, died on July 1, 1993. He served the Northern District as Magistrate Judge for sixteen years and was serving in recall status at the time of his death.

Carl W. Reuss. Mr. Carl W. Reuss, former Clerk and Chief Deputy Clerk of the Sixth Circuit Court of Appeals, died on April 12, 1995. He was 90 years of age.

Mr. Reuss served the Court for 45 years commencing in 1926 and ending with his retirement in 1971. It was noted in the "History of the Sixth Circuit" published in 1976 that at the time of his retirement, "He [had] served under all but six of the judges who had been members of the Court."

Senior Status

Court of Appeals

Damon J. Keith. The Honorable Damon J. Keith assumed senior status on May 1, 1995. Judge Keith was appointed United States Circuit Judge for the Sixth Circuit on October 21, 1977 and entered on duty on November 22, 1977. Prior to his appointment to the Sixth Circuit Court of Appeals, he served as United States District Judge for the Eastern District of Michigan from 1967 to 1977; and served as chief judge of that Court from December 14, 1975 to November 21, 1977. He continues to render valuable service to the Court of Appeals.

Nathaniel R. Jones. The Honorable Nathaniel R. Jones assumed senior status on May 13, 1995. Judge Jones was appointed United States Circuit Judge for the Sixth Circuit on October 5, 1979 and entered on duty on October 15, 1979. Prior to his appointment to the Sixth Circuit Court of Appeals, he served as general counsel of the NAACP from 1969 to 1979. Judge Jones continues to render valuable service to the Court of Appeals.

Ralph B. Guy. The Honorable Ralph B. Guy assumed senior status on September 1, 1994. Judge Guy was appointed United States Circuit Judge for the Sixth Circuit on October 17, 1985 to one of the new judge-ships authorized by P.L. 98-353. Prior to his appointment as circuit judge, Judge Guy served as United States District Judge for the Eastern District of Michigan from 1976 to 1985, and as United States Attorney for the Eastern District of Michigan from 1970 to 1976. Judge Guy continues to render valuable service to the Court of Appeals.

District Courts

Edward H. Johnstone. The Honorable Edward H. Johnstone assumed senior status on October 22, 1993. Judge Johnstone was appointed United States District Judge for the Western District of Kentucky on October 11, 1977. He served as Chief Judge of the District from October 1, 1985 to September 17, 1990. During 1991-92, he served on the Judicial Conference of the United States, and he has been a member of the Judicial Conference Committee on the Administration of the Bankruptcy System since 1990. He continues to serve the Western District of Kentucky.

Stewart A. Newblatt. The Honorable Stewart A. Newblatt assumed senior status on December 23, 1993. Judge Newblatt was appointed United States District Judge for the Eastern District of Michigan on September 26, 1979. He served on the Judicial Conference Advisory Committee on Civil Rules. Prior to his appointment to

the District Court, Judge Newblatt was circuit judge for the Seventh Judicial Circuit of Michigan. He continues to serve the Eastern District of Michigan.

S. Arthur Spiegel. The Honorable S. Arthur Spiegel assumed senior status on June 5, 1995. He was appointed United States District Judge for the Southern District of Ohio on April 5, 1980 and entered on duty on June 5, 1980. Prior to his appointment to the bench, Judge Spiegel was in private practice. He continues to render valuable service to the District Court.

Odell Horton. The Honorable Odell Horton assumed senior status on May 16, 1995. He was appointed United States District Judge for the Western District of Tennessee on May 12, 1980. Judge Horton served as Chief Judge of the District from January 1, 1987 to January 1, 1994. Prior to his appointment to the District Court bench, he served as United States Bankruptcy Judge for the Western District of Tennessee from 1976 to 1980. He continues to render valuable service to the District Court.

Ann Aldrich. The Honorable Ann Aldrich assumed senior status on May 12, 1995. She was appointed United States District Judge for the Northern District of Ohio on May 24, 1980 and entered on duty on June 2, 1980. Prior to her appointment to the bench, Judge Aldrich was Professor of Law at Cleveland State University. She

continues to render valuable service to the District Court.

George E. Woods. The Honorable George E. Woods assumed senior status on November 16, 1993. He was appointed United States District Judge for the Eastern District of Michigan on November 16, 1983 and entered on duty on that date. Prior to his appointment to the district court bench, Judge Woods served as United States Bankruptcy Judge for the Eastern District of Michigan. He continues to serve the Eastern District of Michigan.

Retirements

Thomas D. Lambros. The Honorable Thomas D. Lambros retired on February 10, 1995. Judge Lambros was appointed United States District Judge for the Northern District of Ohio on August 18, 1967 and entered on duty on August 28, 1967. He served as chief judge of the District from January 16, 1990 until his retirement. Prior to his appointment to the District Court, Judge Lambros served as a judge of the Court of Common Pleas for the State of Ohio from 1961 to 1967. During his tenure as chief judge of the District, Judge Lambros served on the Judicial Conference of the United States.

Harold F. White. The Honorable Harold F. White retired on January 31, 1994 as United States Bankruptcy Judge for the Northern District of Ohio at Akron. Judge White was appointed to the bankruptcy bench on May 1, 1958 and was

serving a 14-year term when he retired. He continues to serve the bankruptcy court as a recalled bankruptcy judge.

William J. O'Neill. The Honorable William J. O'Neill retired on October 1, 1994 as United States Bankruptcy Judge for the Northern District of Ohio at Cleveland. He was appointed to the bankruptcy bench on June 1, 1961 and was serving a 14-year term when he retired. Prior to his appointment to the bankruptcy bench, Judge O'Neill was United States Attorney for the Northern District of Ohio. He continues to serve as a recalled bankruptcy judge.

Walter J. Krasniewski. The Honorable Walter J. Krasniewski retired on July 31, 1994 as United States Bankruptcy Judge for the Northern District of Ohio at Toledo. He was appointed to the bankruptcy bench on September 1, 1965 and was serving a 14-year term when he retired. He continues to serve the bankruptcy court as a recalled bankruptcy judge.

Ralph H. Kelley. The Honorable Ralph H. Kelley retired on September 30, 1993 as Chief United States Bankruptcy Judge for the Eastern District of Tennessee at Chattanooga. Judge Kelley was appointed to the bankruptcy bench on January 2, 1969; and he was serving a 14-year term when he retired. Judge Kelley served as Chief Bankruptcy Judge for seven years. He continues to serve the bankruptcy court as a recalled bankruptcy judge.

Burton Perlman. The Honorable Burton Perlman retired on October 1, 1993 as United States Bankruptcy Judge for the Southern District of Ohio at Cincinnati. Judge Perlman was appointed to the bankruptcy bench on July 22, 1976 and was serving a 14-year term when he retired. He served as Chief Bankruptcy Judge of the Southern District of Ohio for seven years. He continues to serve the bankruptcy court as a recalled bankruptcy judge.

Aaron C. Brown, Jr. The Honorable Aaron C. Brown, Jr. retired on February 15, 1995 as United States Magistrate Judge for the Western District of Tennessee. He was first appointed by the District Court on February 16, 1971. By extension of his appointment, Magistrate Judge Brown continued to serve the Western District of Tennessee until his successor was appointed on June 15, 1995.

Kent Sandidge, III. The Honorable Kent Sandidge, III retired on January 1, 1995 as United States Magistrate Judge for the Middle District of Tennessee at Nashville. He was first appointed by the District Court on September 1, 1972. Prior to his appointment to the bench, Magistrate Judge Sandidge was engaged in private practice.

James F. Cook. The Honorable James F. Cook retired on March 31, 1994 as United States Magistrate Judge for the Eastern District of Kentucky at Lexington. He was first appointed by the District Court on March 10, 1980. Prior to his appoint-

ment, he was Assistant United States Attorney for the Eastern District of Kentucky.

Lynn V. Hooe, Jr. The Honorable Lynn V. Hooe, Jr. retired on May 31, 1993 as United States Magistrate Judge for the Eastern District of Michigan at Detroit. He was first appointed by the District Court on May 19, 1981. Prior to his appointment, Judge Hooe was in private practice. He continues to serve the Eastern District as a recalled magistrate judge.

Elevations

Richard A. Enslen. The Honorable Richard A. Enslen became Chief Judge of the United States District Court for the Western District of Michigan on May 2, 1995. He succeeds Judge Benjamin F. Gibson who stepped down as Chief Judge on May 1, 1995. Judge Enslen was appointed to the District Court on December 21, 1979; and prior to his appointment to the bench, he was engaged in private practice.

Julia S. Gibbons. The Honorable Julia S. Gibbons became Chief Judge of the United States District Court for the Western District of Tennessee on January 2, 1994. Judge Gibbons succeeds Judge Odell Horton who completed his seven year term as Chief Judge on January 1, 1994. Prior to her appointment to the bench, Judge Gibbons served as circuit judge of the Fifteenth Judicial Circuit of Tennessee

from 1981 to 1983. She presently serves as chair of the Committee on Judicial Resources of the Judicial Conference of the United States.

George W. White. The Honorable George W. White became Chief Judge of the United States District Court for the Northern District of Ohio on February 9, 1995. Judge White succeeds Judge Thomas D. Lambros who retired from the bench on February 10, 1995. He was appointed United States District Judge for the Northern District of Ohio on May 23, 1980 and entered on duty on June 6, 1980. Prior to his appointment to the district court bench, Judge White served as judge of the Court of Common Pleas for the State of Ohio.

Charles R. Simpson, III. The Honorable Charles R. Simpson, III became Chief Judge of the United States District Court for the Western District of Kentucky on December 2, 1994. He was appointed to the District Court on August 4, 1986 and entered on duty on October 15, 1986. Prior to his appointment to the bench, Judge Simpson was engaged in private practice.

Steven W. Rhodes. The Honorable Steven W. Rhodes of Detroit became Chief Bankruptcy Judge for the Eastern District of Michigan on April 13, 1995. Judge Rhodes was appointed United States Bankruptcy Judge on March 22, 1985 and is presently serving a 14-year term. Prior to his appointment, Judge Rhodes served as United States Magistrate Judge for the

Eastern District of Michigan from 1981 to 1985.

William A. Clark. The Honorable William A. Clark of Dayton became Chief Bankruptcy Judge for the Southern District of Ohio on May 1, 1993 succeeding Judge Burton Perlman. Judge Clark was appointed United States Bankruptcy Judge on April 30, 1985 and is presently serving a 14-year term. Prior to his appointment, Judge Clark was engaged in private practice.

Richard S. Stair, Jr. The Honorable Richard S. Stair, Jr. of Knoxville became Chief Bankruptcy Judge for the Eastern District of Tennessee on October 12, 1993 succeeding Judge Ralph H. Kelley of Chattanooga. Judge Stair was appointed United States Bankruptcy Judge on October 1, 1986 and is presently serving a 14-year term. Prior to his appointment, Judge Stair was engaged in private practice.

New Appointments

Court of Appeals

Martha Craig Daughtrey. The Honorable Martha Craig Daughtrey was sworn in as Judge of the United States Court of Appeals for the Sixth Circuit on December 6, 1993. Judge Daughtrey was appointed to fill the new circuit judgeship established by Public Law 101-650. Prior to her appointment to the Sixth Circuit, she served on the Tennessee Supreme Court.

Karen Nelson Moore. The Honorable Karen Nelson Moore was sworn in as Judge of the United States Court of Appeals for the Sixth Circuit on March 29, 1995. Judge Moore was appointed to fill the vacancy created by the assumption of senior status by United States Circuit Judge Robert B. Krupansky. Prior to her appointment to the Court, Judge Moore was Arthur E. Petersilge Professor of Law at Case Western Reserve University Law School.

United States District Courts

Jennifer B. Coffman. The Honorable Jennifer B. Coffman was sworn in as Judge of the United States District Courts for the Eastern and Western Districts of Kentucky on October 22, 1993. Judge Coffman assumed the seat vacated by reason of the appointment of Judge Eugene E. Siler, Jr. to the Sixth Circuit Court of Appeals. Prior to her appointment to the bench, Judge Coffman was a partner in the law firm of Newberry, Hargrove & Rambi-cure in Lexington, Kentucky. She is the first woman to serve on the federal bench in Kentucky.

Thomas B. Russell. The Honorable Thomas B. Russell was appointed United States District Judge for the Western District of Kentucky at Paducah on October 11, 1994 to the position which was formerly held by United States District Judge Edward H. Johnstone of Paducah. Prior to his appointment to the bench, Judge Russell

was a partner in the Paducah law firm of Whitlow, Roberts, Houston & Russell.

Denise Page Hood. The Honorable Denise Page Hood was appointed United States District Judge for the Eastern District of Michigan on June 16, 1994 to the position which was formerly held by United States District Judge George Woods of Detroit. Prior to her appointment to the district court bench, Judge Hood was a Judge of the Wayne County, Michigan Circuit Court.

Paul D. Borman. The Honorable Paul D. Borman was appointed United States District Judge for the Eastern District of Michigan on August 10, 1994 to the position which was formerly held by United States District Judge Stewart A. Newblatt of Flint. Prior to his appointment to the bench, Judge Borman had served as Chief Federal Defender of the Legal Aid and Defender Association of Detroit.

John Corbett O'Meara. The Honorable John Corbett O'Meara was sworn in as United States District Judge for the Eastern District of Michigan on October 4, 1994 to the position which was formerly held by United States District Judge Horace Gilmore of Detroit. Prior to his appointment to the bench, Judge O'Meara was a partner in the law firm of Dickinson, Wright, Moon, VanDusen & Freeman in Detroit, Michigan.

Lesley Brooks Wells. The Honorable Lesley Brooks Wells was appointed

United States District Judge for the Northern District of Ohio on February 11, 1994. Judge Wells was appointed to fill the vacancy created by the assumption of senior status by United States District Judge John M. Manos. Prior to her appointment to the district court bench, Judge Wells served as a Common Pleas Judge in Cuyahoga County, Ohio for eleven years.

Solomon Oliver, Jr. The Honorable Solomon Oliver, Jr. was appointed United States District Judge for the Northern District of Ohio on May 9, 1994. Judge Oliver assumed the judgeship vacated by reason of the appointment of Judge Alice M. Batchelder to the Sixth Circuit Court of Appeals. Prior to his appointment to the district court bench, Judge Oliver was Associate Dean and Professor of Law at Cleveland-Marshall College of Law of Cleveland State University.

James G. Carr. The Honorable James G. Carr was sworn in as United States District Judge for the Northern District of Ohio at Toledo on May 11, 1994. Judge Carr was appointed to fill the judgeship vacated by the resignation of Richard McQuade. Prior to his appointment to the district court bench Judge Carr had served as United States Magistrate Judge for the Northern District of Ohio since 1979.

Kathleen McDonald O'Malley. The Honorable Kathleen McDonald O'Malley was appointed United States District Judge for the Northern District of Ohio on Octo-

ber 12, 1994 to the position which was formerly held by United States District Judge Alvin I. Krenzler. Prior to her appointment to the bench, Judge O'Malley was First Assistant Attorney General for the State of Ohio.

David A. Katz. The Honorable David A. Katz was sworn in as United States District Judge for the Northern District of Ohio at Toledo on October 21, 1994 to the position which was formerly held by United States District Judge John W. Potter. Prior to his appointment to the bench, Judge Katz was managing partner in the law firm of Spengler Nathanson in Toledo.

Curtis L. Collier. The Honorable Curtis L. Collier was sworn in as United States District Judge for the Eastern District of Tennessee at Chattanooga on June 2, 1995. Judge Collier was appointed to a new position created by P.L. 101-650. Prior to his appointment to the district court bench, Judge Collier was an Assistant United States Attorney in charge of the Chattanooga office.

United States Bankruptcy Courts

Charles M. Caldwell. The Honorable Charles M. Caldwell was sworn in as United States Bankruptcy Judge for the Southern District of Ohio at Columbus on May 26, 1993. He was appointed to the bankruptcy vacancy created by the resignation of R. Guy Cole. Prior to his appoint-

ment to the bankruptcy bench, Judge Caldwell was Assistant United States Trustee for the Southern District of Ohio.

Marilyn Shea-Stonum. The Honorable Marilyn Shea-Stonum was sworn in as United States Bankruptcy Judge for the Northern District of Ohio at Akron on September 19, 1994. She was appointed to the bankruptcy vacancy created by the retirement of United States Bankruptcy Judge Harold F. White. Prior to her appointment to the bankruptcy bench, Judge Shea-Stonum was engaged in private practice in Cleveland.

Marcia Phillips Parsons. The Honorable Marcia Phillips Parsons was sworn in as United States Bankruptcy Judge for the Eastern District of Tennessee at Greeneville on November 23, 1993. She was appointed to a new position established pursuant to P.L. 102-361. Prior to her appointment to the bankruptcy bench, Judge Parsons served as the Chapter 13 Trustee for the U.S. Bankruptcy Court for the Eastern District of Tennessee.

R. Thomas Stinnett. The Honorable R. Thomas Stinnett was sworn in as United States Bankruptcy Judge for the Eastern District of Tennessee at Chattanooga on May 4, 1994. He was appointed to the bankruptcy vacancy created by the retirement of United States Bankruptcy Judge Ralph H. Kelley. Prior to his appointment to the bankruptcy bench, Judge Stinnett was engaged in private practice in Knoxville.

Aleta Arthur Trauger. The Honorable Aleta Arthur Trauger was sworn in as United States Bankruptcy Judge for the Middle District of Tennessee at Nashville on November 29, 1993. She was appointed to a new position established pursuant to P.L. 102-361. Prior to her appointment to the bankruptcy bench, Judge Trauger was on leave from private practice.

G. Harvey Boswell. The Honorable G. Harvey Boswell was sworn in as United States Bankruptcy Judge for the Western District of Tennessee at Jackson on November 16, 1993. He was appointed to a new position established pursuant to P.L. 102-361. Prior to his appointment to the bankruptcy bench, Judge Boswell was a partner in the firm of Kizer, Bonds, Boswell & Crocker in Milan, Tennessee.

United States Magistrate Judges

Patricia A. Hemann. The Honorable Patricia A. Hemann was appointed United States Magistrate Judge for the Northern District of Ohio at Cleveland on April 12, 1993. She was appointed to a new full-time magistrate judge position. Prior to her appointment to the bench, Magistrate Judge Hemann was a partner in the law firm of Hahn, Loeser & Parks in Cleveland.

Donald A. Scheer. The Honorable Donald A. Scheer was sworn in as United States Magistrate Judge for the Eastern District of Michigan at Detroit on March 1, 1994. He was appointed to the vacancy created by the retirement of United States

Magistrate Judge Lynn V. Hooe, Jr. of Detroit. Prior to his appointment to the bench, Magistrate Judge Scheer served as an Assistant United States Attorney in Detroit.

James Black Todd. The Honorable James B. Todd was sworn in as United States Magistrate Judge for the Eastern District of Kentucky at Lexington on March 31, 1994. He was appointed to the vacancy created by the retirement of United States Magistrate Judge James F. Cook of Lexington. Prior to his appointment to the bench, Magistrate Judge Todd was a partner in the law firm of Todd & Smith in Pikeville, Kentucky.

Vernelis K. Armstrong. The Honorable Vernelis K. Armstrong was sworn in as United States Magistrate Judge for the Northern District of Ohio on September 26, 1994. She was appointed to the vacancy created by the appointment of Judge James G. Carr to the District Court. Prior to her appointment, Magistrate Judge Armstrong was an Assistant United States Attorney for the Northern District of Ohio.

Juliet E. Griffin. The Honorable Juliet E. Griffin was sworn in as United States Magistrate Judge for the Middle District of Tennessee on January 6, 1995. She was appointed to the vacancy created by the retirement of United States Magistrate Judge Kent Sandidge, III. Prior to her appointment, Magistrate Judge Griffin served as Clerk of the United States Dis-

trict Court for the Middle District of Tennessee.

James D. Thomas. The Honorable James D. Thomas was sworn in as United States Magistrate Judge for the Northern District of Ohio at Youngstown on March 1, 1995. Magistrate Judge Thomas is assigned to the Eastern Division at Youngstown, Ohio. Prior to his appointment, Judge Thomas was in private practice in Columbus, Ohio with the law firm of Squire, Sanders and Dempsey.

Diane Vescovo. The Honorable Diane Vescovo was sworn in as United States Magistrate Judge for the Western District of Tennessee at Memphis on June 15, 1995. She succeeds Magistrate Judge Aaron C. Brown, Jr. who retired on February 15, 1995. Prior to her appointment, Judge Vescovo was engaged in private practice.

Federal Public Defenders

Michael G. Dane. Michael G. Dane was appointed Federal Public Defender for the Northern District of Ohio on January 25, 1995. Mr. Dane was appointed to succeed Edward F. Marek who retired on August 13, 1994. Prior to his appointment as Federal Public Defender, Mr. Dane had served, since 1974, as an assistant federal public defender in this office.

Steven R. Keller. Steven R. Keller was appointed Federal Public Defender for the Southern District of Ohio on February 1, 1995. Mr. Keller was appointed to a new

position following approval of the establishment of a federal public defender office in the Southern District of Ohio by the Judicial Conference of the United States. Prior to his appointment, Mr. Keller was engaged in private practice.



Judicial Workload in the Sixth Circuit

Workload in the District Courts

Mirroring the national trend in civil and criminal case filings, both civil and criminal filings showed small decreases during 1994. Civil cases filed decreased by slightly less than two percent to 24,926 cases, while criminal filings decreased by nearly five percent to 3,521 cases. Civil terminations decreased by nine percent from 25,201 to 22,848, while criminal terminations declined by nearly five percent from 3,557 to 3,385. The number of civil cases pending in the District Courts of the Sixth Circuit increased by nine percent from 20,508 to 22,383, and the number of pending criminal cases increased by nearly six percent from 2,292 to 2,428. **Figure 1** depicts the history of filings in the district courts of the Sixth Circuit by major category of cases over the last ten years.

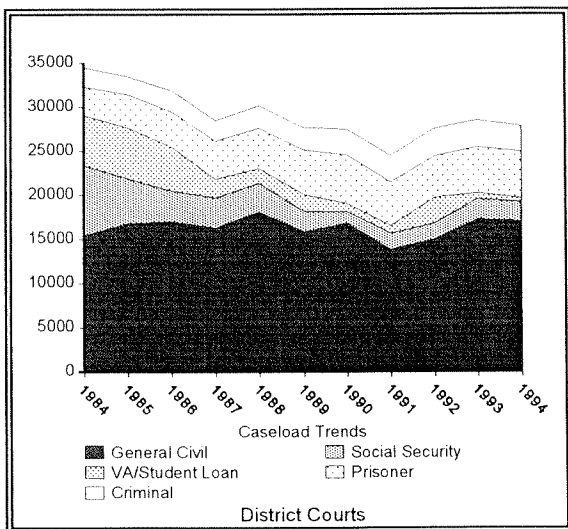


Figure 1

Filings. Most of the districts in the Sixth Circuit experienced decreases in their filings during 1994. Only the Western District of Kentucky, the Western District of Michigan, and the Middle District of Tennessee experienced very slight increases in filings. The Eastern District of Michigan and the Eastern District of Tennessee experienced the largest increases in filings last year. The Eastern District of Michigan had the largest decrease in filings, which was due to a decrease in student loan and other recovery cases.

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

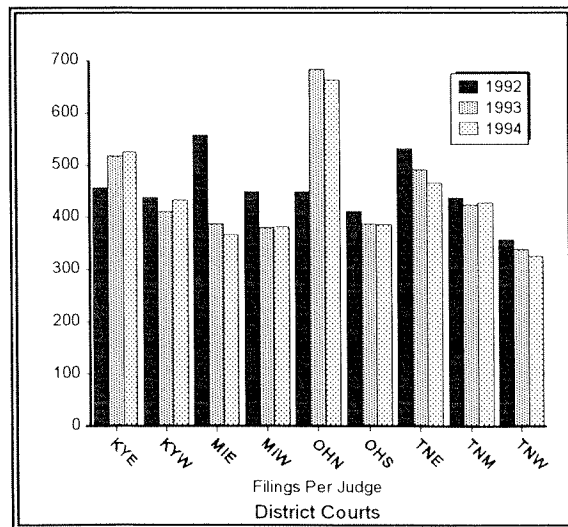


Figure 2

Terminations. Terminations declined in each district in the Sixth Circuit with the exception of the Eastern District of Kentucky which had a 22 percent increase in terminations and the Middle District of Tennessee, which had a slight increase. **Figure 3** shows the total number of terminations per judgeship for the district courts in the Sixth Circuit.

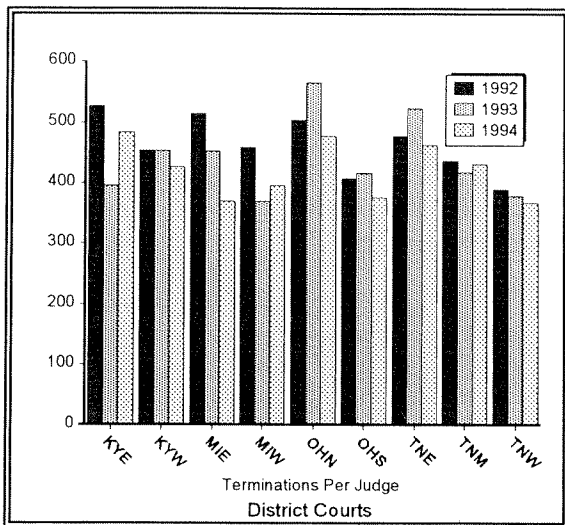


Figure 3

Pending. **Figure 4** shows a comparison of pending cases per judgeship in each of the districts in the Sixth Circuit. The Northern District of Ohio experienced the largest increase in pending matters, with a 40 percent increase in pending cases. The Eastern District of Kentucky had a smaller increase in pending cases while the Western District of Tennessee achieved the largest decrease in pending cases.

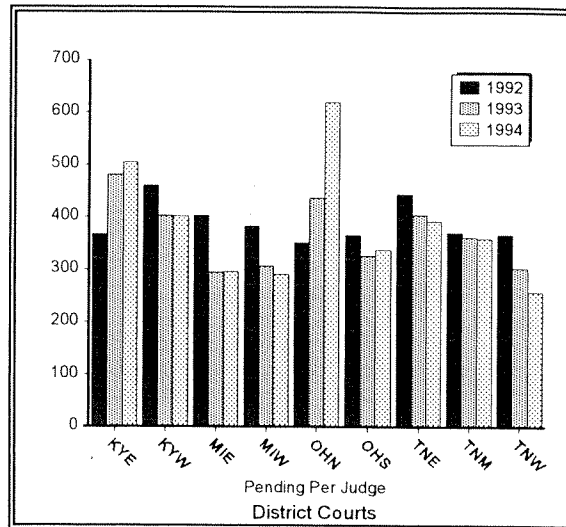


Figure 4

Median Disposition Times. The median number of months from filing to disposition of civil cases increased in the Eastern Districts of Kentucky, Michigan, and Tennessee. The Southern District of Ohio reduced its median time for disposition of civil cases. **Figure 5** shows the median disposition times for civil cases in each of the districts in the Sixth Circuit.

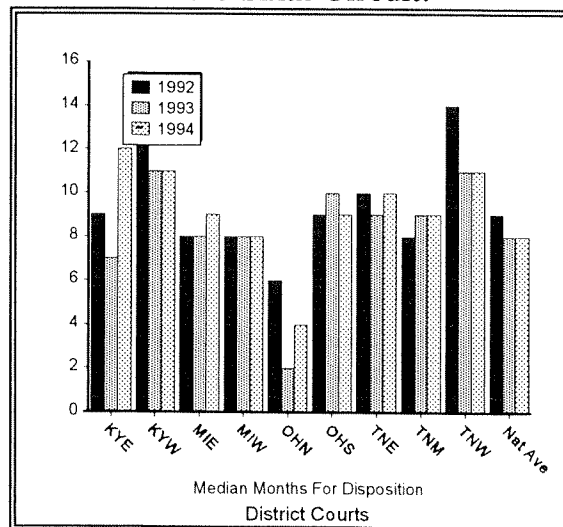


Figure 5

Three Year Old Cases. Figure 6 shows the percentage of civil actions three years old or older for 1992, 1993 and 1994 for each of the district courts in the Sixth Circuit. Almost all of the districts in the Sixth Circuit have achieved a significant reduction in their percentage of three year old civil cases and now have a substantially lower percentage of three year old civil cases than the national average.

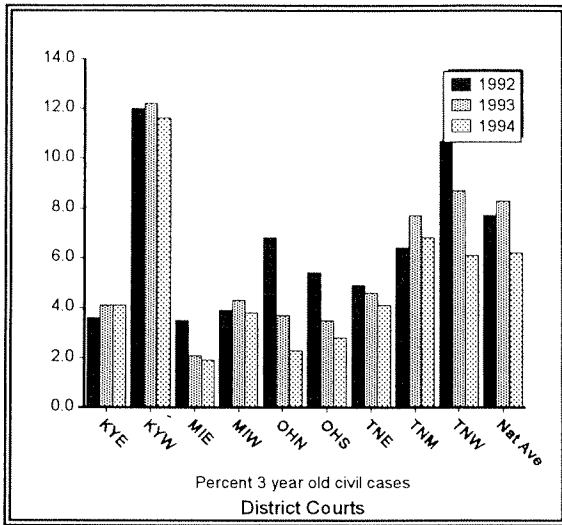


Figure 6

Juror Utilization. Figure 7 depicts the juror utilization trends (measured as the percentage of jurors not selected, serving or challenged on the first day of service) for each of the districts in the Sixth Circuit for the last three years. The Eastern and Western Districts of Kentucky, the Northern and Southern Districts of Ohio, and the Eastern and Western Districts of Tennessee achieved improvements in their juror utilization rates last year.

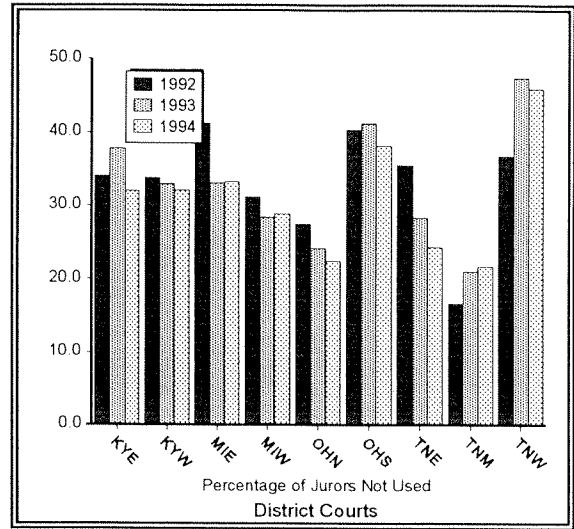


Figure 7

Workload in the Bankruptcy Courts

After several years of increasing filings, the filings in the bankruptcy courts in the Sixth Circuit declined from 126,021 cases filed in 1992 to 110,722 cases filed in 1993 to 101,700 cases filed in 1994. **Figure 8** shows the total bankruptcy filings per judge for each of the bankruptcy courts in the Sixth Circuit.

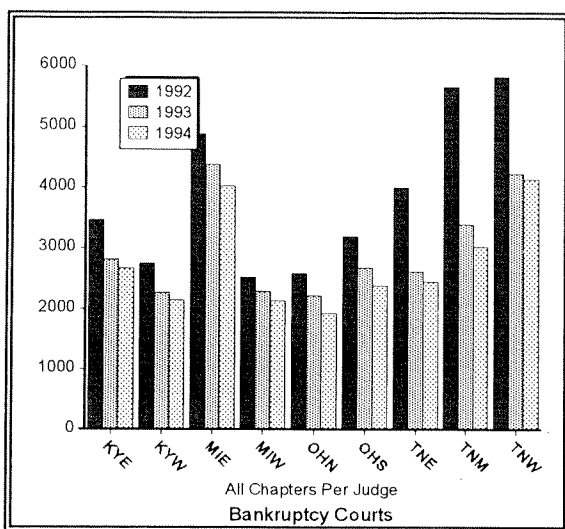


Figure 8

Chapter 7 filings decreased by 10 percent circuit wide from 68,141 in 1993 to 61,154 in 1994. No district in the Sixth Circuit experienced any increase in Chapter 7 filings during 1994. **Figure 9** shows the comparison of Chapter 7 filings per judge in each of the districts in the Sixth Circuit for the fiscal years 1992, 1993 and 1994.

Chapter 11 filings circuit-wide decreased by 20 percent during fiscal year 1992. **Figure 10** shows the comparison of Chapter 11 cases per judgeship in fiscal years

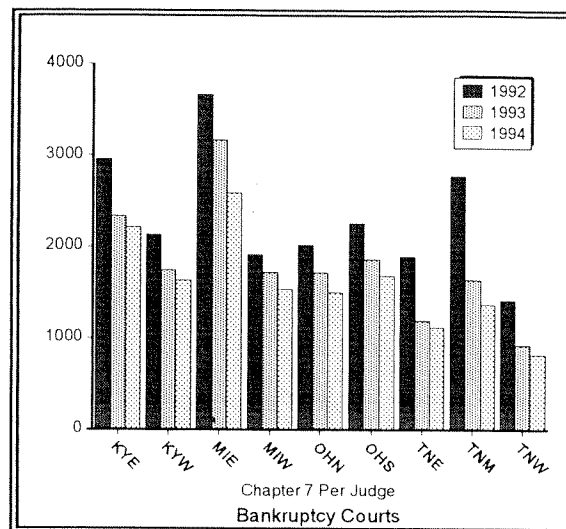


Figure 9

1992, 1993 and 1994 for each of the districts in the Sixth Circuit.

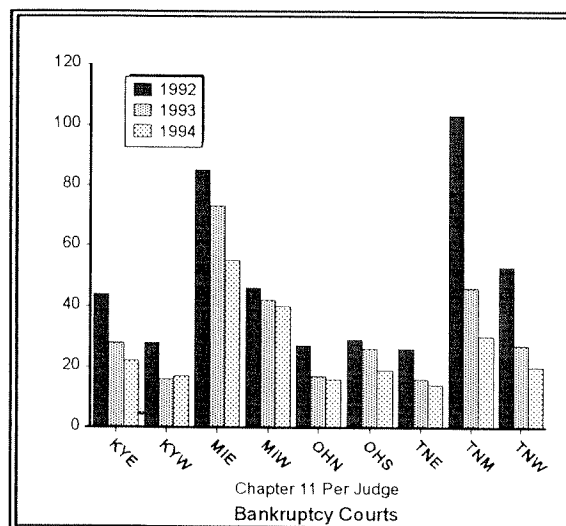


Figure 10

Chapter 13 filings decreased by four percent on a circuit-wide basis, from 41,292 cases in 1993 to 39,533 in 1994. Small increases in Chapter 13 cases occurred in the Western District of Michigan and the Western District of Tennessee.

Figure 11 shows the comparison of Chapter 13 cases filed per judgeship in fiscal years 1992, 1993 and 1994 in each of the districts of the Sixth Circuit.

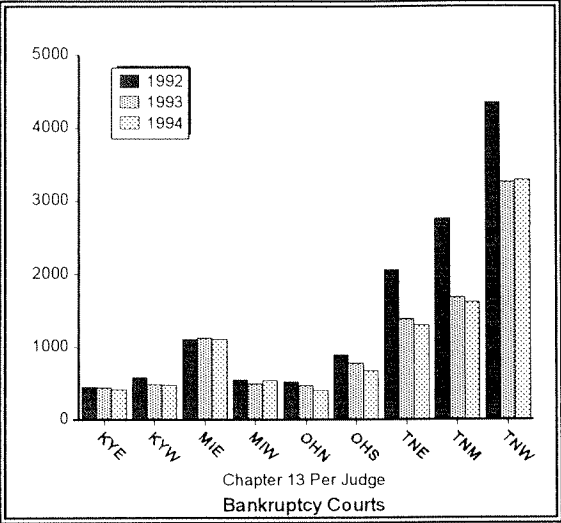


Figure 11

Report of the Court of Appeals

CLERK'S OFFICE

Leonard Green, Clerk

Jan Yates, Chief Deputy

The decline in filings which started to become apparent in the latter months of 1993 continued throughout 1994, with filings in 1994 decreasing 4.3% from the previous year. Although that decrease is modest -until a late filing spurt in the fourth quarter it appeared likely that the decline would be in the 7% to 8% range- it nonetheless represents the largest single-year drop in filings the court has experienced in over two decades. It is still open to question whether the recent upswing in appeals marks the beginning of a new pattern of higher filing levels.

1993 1994 Change

Filings	4723	4522	[-4.3%]
Terminations	4676	4391	[-6.1%]

The Sixth Circuit's experience in 1994 was common among the circuits generally. Administrative Office statistics for the twelve months ending December 31, 1994 show an aggregate decrease in filings of 2.9% from the previous twelve months for all circuits. Seven circuits besides the Sixth experienced declines in filings, and even

among those whose filings increased the increases were minimal.

Much of the court's decrease in terminations beyond what would flow naturally from a decrease in new cases is attributable to a decline in jurisdictional dismissals by motions panels and dismissals for want of prosecution; a significant increase in settlements more than offset a drop in voluntary dismissals not obtained through the settlement program.

The composition of the court's docket changed little during 1994. While the share of the docket claimed by criminal appeals declined marginally, such appeals still represent one of every five new filings. Similarly, prisoner civil rights and habeas corpus appeals account for a collective one-third of the filings, as they have done for several years, while diversity and federal question appeals represent between them a quarter of the docket.

Even though the court operated at less than its statutory complement of sixteen active judges during the entire year, the high level of participation by senior circuit and district court judges allowed the court to maintain a vigorous oral argument calendar which continued the degree of docket currency enjoyed for the past several years.

The 264 hearing panels convened during the twenty-two hearing weeks in 1994 afforded a total of 1268 opportunities for oral argument. Due to multi-case consolidations, particularly in criminal appeals, a

total of 1598 individual cases were presented on the calendar. Criminal cases continue to come on for argument within approximately four months of the filing of the opening brief, while civil appeals are routinely argued or submitted on the briefs within seven or eight months of the completion of briefing. The court continues to give close attention to management of the argument calendar so that it can continue its practice of offering the opportunity for oral argument in every appeal in which counsel wishes to argue.

Thus far the Sixth Circuit has had brought before it only a handful of collateral challenges to state-imposed sentences of death. This is expected to change in the near future. There are in excess of 200 death-sentenced prisoners in Kentucky, Ohio, and Tennessee; there are approximately two dozen federal habeas actions challenging death sentences now pending in the district courts, with many more sure to follow. The Sixth Circuit has long had a rule (local Rule 28) covering the consideration of such cases, and has reviewed its procedures to ensure that appeals in capital cases receive the full measure of consideration and expedition they warrant even in the most demanding circumstances.

The clerk's office continues to offer a high level of service despite the ill winds buffeting the budget and staffing landscape throughout the federal judiciary. Having incorporated a number of efficiencies into its operations well before staffing reductions in the judiciary became a fact of life, the office's ability to serve the court and bar was not diminished by system wide

staffing constraints imposed during the year. As this uncertain environment continues, the clerk's office will do what it must to continue to offer the quality of service to which those it serves have become accustomed. It is able to make this commitment because it enjoys the singular good fortune of having a highly motivated and professional staff. In addition to their work for the court, many members of the clerk's office staff serve the Administrative Office and Federal Judicial Center in a variety of advisory capacities, as those offices work to enhance the ability of the courts to fulfill their mission.

The clerk's office continues to work closely with the court's Attorney Advisory Committee in its ongoing review of the Sixth Circuit Rules and Internal Operating Procedures. The Committee, chaired by Donald McG. Rose of the Cincinnati law firm of Frost & Jacobs, and comprised of attorneys from each state representing a cross-section of the practicing bar, remains a prime resource for the court as it refines its rules and practices. The input of the bar, whether directed toward particular rules or procedures, or of a more general nature, is always welcome; suggestions may be directed to the attention of the Clerk, who will see that they receive proper attention.



**OFFICE
OF THE
STAFF ATTORNEYS**

Kenneth A. Howe, Jr.
Senior Staff Attorney

Michael C. Cassady
Supervisory Staff Attorney

Joseph C. Merling
Supervisory 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 clerks'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 personnel and all administrative and operational activities of the office. The office has fifteen attorneys. The office has an administrative manager/budget analyst and five secretaries. All staff attorney personnel are employed as career-oriented professionals.

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 9 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 under Sixth Circuit Rule 9. This review process has been extended to counsel-represented appeals where counsel have waived oral argument.

To utilize less judge time, the staff attorney office presents motions for *in forma pauperis* status to a single judge for a ruling under 28 U.S.C. § 1915(a). Many of these motions are denied because the appeal is frivolous and the appeals are subsequently dismissed for failure to pay the filing fee. The staff attorney office also presents applications for a certificate of probable cause in habeas corpus cases to single judges. The rulings by a judge which deny such applications dispose of the cases.

The office also 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.

During calendar year, the office prepared 849 legal memoranda on the merits of cases under Sixth Circuit Rule 9 and 493 memoranda on appeals lacking proper

appellate jurisdiction. The office also presented to the court 186 applications for certificate of probable cause, 348 motions seeking permission to proceed on appeal *in forma pauperis*, and 57 miscellaneous motions.

CIRCUIT LIBRARY

Kathy Joyce Welker
Circuit Librarian

Pamela Schaffner
Deputy Librarian

The Sixth Circuit Library System continues to serve all judiciary employees within the geographical boundaries of the circuit. Its mission is to provide the resources necessary to support all legal and nonlegal research needs whether that research involves print media, online information services or informational sources beyond the federal judiciary. Through a network of nine libraries staffed by trained professionals, judiciary personnel have a ready resource available to track down the answers needed to carry out their responsibilities.

Since the last report on the library system to the circuit's judicial conference, four new major milestones were reached that further enhanced circuit-wide library services. These were the opening of the Louisville Satellite Library, the circuit's

assumption of all lawbook ordering responsibilities, the release of the *Sixth Circuit Guide to Legal Research Support Services*, and the installation of a CD-ROM tower in the Cincinnati Library.

In May 1994 with the hiring of Owen Smith as Satellite Librarian, the Louisville Satellite Library opened (bringing the total number of satellite libraries to eight). This library is the first that directly serves the state of Kentucky. The new librarian has traveled to each outlying location served from Louisville surveying the research needs of all judiciary employees and has become the conduit through which those employees locate the information needed to perform their jobs.

In August 1994 a team of acquisitions staff in Cincinnati led by Pamela Schaffner, Deputy Circuit Librarian, took over all responsibilities for the procurement of legal research materials and for the financial management of circuit-wide lawbook budgets. These responsibilities previously rested at the Administrative Office of the U.S. Courts. With this decentralization of responsibility to the circuit, the staff doing the work is much closer to the end user of research materials and therefore can be much more immediately accountable to these users.

Through a joint effort of all circuit librarians, the *Sixth Circuit Guide to Legal Research Support Services* was supplied to every office requiring research support services. Joan Byerly (Grand Rapids Satellite Librarian), Marianne Mussett (Toledo Satellite Librarian), Barbara Overshiner (Circuit Reference/CALR

Librarian) and Kathy Welker (Circuit Librarian) co-authored this work which is produced in looseleaf format. Chapters devoted to the topics of "Computer Assisted Legal Research Services", "Your Chambers or Office Collection" and "Your Local Library" are included. This guide is intended to assist judiciary employees who have either research or collection maintenance duties to perform.

In 1993 a CD-ROM tower was installed in the Cincinnati Library. With dial-in capabilities from every satellite library location, judiciary staff can now take advantage of this newer form of media as yet another means to the end of getting necessary research information. Library staff are trained in the best methods of accessing information via CD-ROM and are available to guide the user through the steps necessary to make the most productive use of this newer technology.

Statistical data continues to demonstrate that use of library services is widespread and an integral element contributing to the work of all courts (Circuit, District and Bankruptcy). Throughout 1993-94, library staff answered 29,092 reference (including directional) questions, ensured the continuing provision of CALR service, maintained the necessary inventory of research materials held throughout the circuit, resolved subscription problems in order to ensure that the most accurate and current materials are readily available, trained judiciary staff in research methodology and continuously tracked down that illusive bit of information needed anywhere in the circuit.

PRE-ARGUMENT CONFERENCE PROGRAM

Robert W. Rack, Jr.
Senior Conference Attorney

Deborah Ginocchio
Martha H. Good
Roderick M. McFaul
Charles H. Tobias, Jr.
Conference Attorneys

The Court established the Pre-Argument Conference Program in 1981 to mediate settlements in civil appeals. Secondary objectives are to reduce procedural problems and to clarify issues on appeal. Pursuant to Local Rule 18, a staff of five conference attorneys initiates confidential discussions in as many new civil appeals as possible and works with all sides to thoroughly explore and evaluate settlement possibilities.

Most conferences are scheduled randomly from eligible appeals before briefs are submitted. Eligible civil cases include all except habeas corpus, prisoner and pro se appeals and most agency cases. Conferences may be requested, and such requests are treated as confidential. Occasionally cases are referred to the program from the Court's oral argument calendar. In such cases, the conference attorneys report back to the court only whether or not the case is settled.

The great majority of conferences and subsequent negotiations are conducted by telephone. Program involvement in about 20 percent of the cases goes no further than

the initial conference. In the most active 25 percent of the cases, however, conference discussions are much more involved, often lasting a month or longer.

Settlement statistics for cases in which the pre-argument conference program involvement was concluded during 1994 are shown below. Generally, counted here as settlements are all cases voluntarily terminated, following program involvement, without judicial review. These include cases remanded to District Courts on joint motions pursuant to *First National Bank of Salem v. Hirsch* for implementation of settlement terms negotiated by the parties, and cases dismissed for failure to make timely filings following negotiated settlements. These two categories of cases are counted by the Clerk respectively as Summary Dispositions and Dismissals for Want of Prosecution, thus accounting for the higher number of "settlements" reported in this section of the Court's annual report.

**Settlement Statistics
Calendar Year 1994**

	Number of Cases	Number Settled	Settlement Rate
All Cases	1077	485	45%
Referred by Court	15	13	87%

AUTOMATION SUPPORT UNIT

William M. Eggemeier
Assistant Circuit Executive

Michael Nagel
Systems Manager

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 the Sixth Circuit Court of Appeals there are more than 325 computers in use in the Appellate Judges' Chambers, the Office of the Circuit Executive, the Clerk's Office, the Office of the Staff Attorney, Circuit Library and its eight satellite libraries, and the Conference Attorney Office.

In addition, the automation staff maintains the automated case management system for the court. The court uses this system to maintain the docket, track cases, help prepare the oral argument calendar, and provide information on cases to the judges, court staff, the lower courts, the bar and the public. The Automation Support Unit also maintains the court's appellate electronic bulletin board system, known as ABBS. For anyone with a computer and a modem, ABBS provides access to the court's published opinions, case docket sheets, the court's oral argument calendar, local rules and operating procedures, and a variety of status reports on appellate cases. Reports include listings of new cases filed, cases disposed, cases heard or submitted, orders entered. Also available are listing of cases being briefed,

appellant and appellee briefs filed, lower court records filed and appendixes to briefs filed. The ABBS system also contains a listing of all pending cases before the Sixth Circuit Court of Appeals broken down by district court of origin.

The Automation Support Unit also coordinates office automation activities between the automation staffs in the district, bankruptcy, probation and pretrial offices within the Sixth Circuit. The automation staff is currently involved in the installation of the federal judiciary's data communication network in a number of court offices throughout the circuit. Eventually this network will connect every federal court office location in the country. With the installations that are taking place now, the Sixth Circuit will have more locations tied into the judiciary-wide network than any other circuit.



Reports of the District and Bankruptcy Courts

United States District Court Eastern District of Kentucky

Court Personnel. The Spring of 1994 saw the death of Senior Judge Scott Reed, the retirement of U. S. Magistrate Judge James F. Cook, and the appointment of his replacement, U. S. Magistrate Judge James Black Todd. Judge Jennifer B. Coffman saw her first year of service having entered on duty in October, 1993, to replace Judge Eugene E. Siler, Jr. who was appointed to the United States Court of Appeals for the Sixth Circuit. Judge Joseph M. Hood changed his duty station from Pikeville to Frankfort. He serves as Judge of both divisions of the Court. Subject to funding by Congress, a new full-time U. S. Magistrate Judgeship has been approved for London, Kentucky, effective October 1, 1995. Both the Clerk's Office and the Probation Division made a total of three equalization hires during the 1994 calendar year.

Space and Facilities. Congress has approved site purchase and design funds for new courthouses at Covington and London. The fourth floor total renovation at the Lexington Courthouse has been completed to provide new chambers for a U. S. Magistrate Judge including a new courtroom. The realignment of space in the Lexington Courthouse has produced attorney conference rooms, a jury assembly room and additional office and expansion

space for the clerk and probation offices. Newly acquired space in the adjoining Pikeville Post Office building has accommodated the space needed for the clerk, probation and a new jury room. The District Judge's Chambers has been remodeled at the London Courthouse as well as a new Magistrate Judge's Chambers created in the Covington Courthouse.

Automation. In the Spring of 1994, the District completed its ICMS installation with the inclusion of criminal docketing and case management with public access to both the civil and criminal dockets, court calendars and selected motion reports.

Civil Justice Reform Act of 1990. The District has completed its gathering of information as a comparison court as part of the Rand study of the effects of the Act. The services of the Mediation Center of Kentucky, established by the Supreme Court of Kentucky, is being used in selected cases. The 1993 amendments to Rule 26 of the Federal Rules of Civil Procedure are in effect in the District with minor exceptions.

Investment of Registry Funds. Effective in July, 1992, the Court joined the Court Registry Investment System (CRIS) becoming the first and, presently, the only District Court in the Sixth Circuit to use the system.

Case Filings. The Eastern District has experienced in 1994 a substantial increase in civil filings. Criminal case filings are slightly lower. The number of civil and

criminal cases closed have increased during the year.

The Eastern District's county jails, six state prisons and three federal correctional facilities produces six times the national average of inmates for a district which causes a steadily growing *pro se* prisoner caseload. In addition, the Eastern District has by far the highest caseload in the nation per judgeship for social security cases (in 1993 72.2 cases per active District Judge). Senior Judge G. Wix Unthank, London, is assigned all of the social security cases for the District. The steady increase in *pro se* prisoner and social security cases is pushing the District's workload into a potentially intolerable status.

Joint Local Rules. The operation of the Joint Local Rules for the Eastern and Western District of Kentucky continues to be highly successful. The rules have been amended in 1989, 1991, 1994 and Joint Local Rules Commission will have new amendments effective early in 1995.

United States District Court Western District of Kentucky

In October, Thomas B. Russell joined the court in place of Senior Judge Edward H. Johnstone. Judges Russell and Johnstone are both stationed at Paducah.

In December, Chief Judge Ronald E. Meredith's long and valiant battle with pancreatic cancer came to an end. We

greatly miss our dear friend and dedicated colleague.

The year began with the retirement in January of our long-time Clerk of Court, Jesse W. Grider. A former U.S. Marshal for our district, Jess served the court faithfully and well during his many years of public service. In his stead, the court appointed Jeffrey A. Apperson, formerly clerk of the bankruptcy court of this district.

The district received authorization, with delayed funding, for another magistrate judge. This position will assist the court in processing major increases in case filings at Fort Knox and Fort Campbell. In 1994, there was a 91% increase in misdemeanor cases at Fort Knox over the previous year. At Fort Campbell, misdemeanor cases increased 198% and petty offenses increased nearly 30% in 1994.

The court established a Federal Community Defender Program in 1994. The Board is up and running, with operational status anticipated for the first part of 1995.

Major strides in automation were made in 1994. We now have on staff a systems manager, a systems administrator, an automation support specialist, and a quality control specialist. Chambers computer systems have been upgraded. We implemented the PACER system, began utilizing the Data Communications Network, automated leave records, and are preparing to install CHASER.

To enable user participation, we established an automation user focus group consisting of the bar and related agencies. The group will assist in developing pro-

grams to enhance the availability of court information. Future projects will focus on electronic noticing, courtrooms with automated projection and storage capacity for evidentiary presentations, video conferencing, and electronic filing.

The clerk's office underwent a complete reorganization. Each judge, in addition to having a courtroom deputy, also has a case administrator to open, docket, file, and close cases. By combining functions, personnel are more knowledgeable about office procedures and can support each other more effectively. We also created a statistics position in order to monitor the workload.

The district has several ongoing space construction projects, including a courtroom and chambers for Judge Russell at Paducah, a joint district-bankruptcy courtroom and renovations at Owensboro, a magistrate judge courtroom at Bowling Green, and relocation of the court clerk's facilities at Louisville and Paducah to the first floors of the those courthouses.

Our court continues to enjoy the valuable and selfless service of our senior judges, Charles M. Allen and Edward H. Johnstone. The word "retirement" is not in their respective lexicons.



United States Bankruptcy Court Western District of Kentucky

The Bankruptcy Court for the Western District of Kentucky has experienced a great deal of change in the past year but remains well ahead of the national average on all categories of case processing as measured by the Administrative Office of the Courts. Despite a change in administration and a reduction in staff by almost one-quarter, we continue to provide exceptional service to the public.

Innovations. As a part of the audit process for Procurement, we created Control Checks which allow an in-house auditor to review each procurement and determine if all necessary regulatory steps have been taken in each phase of the procurement. These Control Checks will be used by the Administrative Office of the Courts in their 1995 training sessions.

Incentive programs were examined by a committee of volunteers who were asked to address ways of reducing the use of sick leave and of building sufficient annual leave for emergencies. While we cannot increase the numbers of staff, we can increase the numbers of hours worked by decreasing discretionary use of sick time. Three levels of requirements were established which offer the eligible employee varied work schedules, casual attire days and administrative leave for their birthday, among other incentives. All incentives are clearly identified and measured for success in increasing productivity and/or morale.

Workload. Generally, case filings have leveled off in the past year and for the 1994

calendar year our combined total of cases averaged 6,485. For eight months of the past calendar year our caseload has dropped but is on the rise for four of the five most recent months. It is impossible to discern a trend from the chart except to indicate that we may have already experienced our lowest levels of case filings for some time.

Training. The dilemma created by downsizing increases the need for training while at the same time reducing the amount of time available for training. We have prioritized cross-training as a way to develop more flexibility in all work areas. In 1994, we offered a much-needed Shorthand course to newly assigned Courtroom Deputies and to willing back-ups. Over the past six-months, the Clerk of Court has conducted small group training sessions with all Bankruptcy Staff to discuss the goals and mission of the office as well as strategies for improving productivity in the office. Much of the open discussion centered on relational aspects of work.

Automation. Downsizing greatly affected the Automation services provided to the Court in the past year. With the loss of the Systems Manager and replacement of the Manager from within, we were still able to convert the Judges' chambers, the Administrative staff, Calendaring and Courtroom Deputies to a Windows environment. While a great deal of developmental work remains to be done, we are pleased with the conversion to Windows.

With the addition of the Windows environment in the Administrative Section of the office, we have been able to take advantage of the graphics available to

monitor the Work Measurement Formula, the Weighted Caseload per Judge and the Seventeen Case Processing Factors. These monthly reports provide valuable information in making budgetary and personnel decisions for the future. In addition, we have created a more detailed method of monitoring BOC's than the Status of Funds and it includes projects and cost estimates for the future.

Local Rules. With the Proposed Uniform Numbering System on its way to passage, the Judges have selected a new Local Rules Advisory Committee to address changes to our rules and to incorporate the uniform numbering system in some fashion.

Case Management. For the past five years, this Court has excelled in the expeditious processing of Bankruptcy Cases. We have been recognized nationally for managing cases in much less time than the national average on all categories measured. As a result, Chief Judge J. Wendell Roberts was selected to present his insights on the newly produced FJC Case Management video for Bankruptcy Judges.



United States District Court Eastern District of Michigan

Detroit Courthouse Named After Judge Theodore Levin. On November 2, 1994, President Clinton signed Public Law 103-441 officially changing the name of the Federal Building and U. S. Courthouse in Detroit to the Theodore Levin United States Courthouse. A public dedication ceremony is planned for May 1, 1995.

Law Library Named After Judge Ralph M. Freeman. On November 30, 1994, the Sixth Circuit Judicial Council approved changing the name of the satellite Circuit Library in the Courthouse in Detroit from the Theodore Levin Memorial Library to the Ralph M. Freeman Memorial Library. Judge Freeman served on the District Court for 36 years, and was Chief Judge from 1967 to 1972.

Judicial Officers. Three vacancies on the Court were filled:

- Judge Denise Page Hood (appointed June 16, 1994) came to the Court from several years' service on the Michigan courts, most recently the Wayne County Circuit Court.
- Paul D. Borman (appointed August 10, 1994) served as Chief Federal Defender for 15 years before his appointment.
- John Corbett O'Meara (appointed September 15, 1994) came from a distinguished practice with the Detroit law firm of Dickinson, Wright, Moon, Van Dusen & Freeman.

Magistrate Judge Virginia M. Morgan was reappointed by the Court to a second eight-year term beginning June 5, 1993. Magistrate Judge Lynn V. Hooe Jr, who retired effective May 31, 1993, has been recalled since July 1, 1993, assisting primarily with preliminary proceedings in criminal matters (the daily duty call). On August 30, 1993, the Court created the position of Chief Magistrate Judge and appointed Magistrate Judge Paul J. Komives to serve in that capacity at the pleasure of the Court. Chief Magistrate Judge Komives was reappointed by the Court to a fourth eight-term beginning February 12, 1995.

On November 7, 1994, the Court appointed a Merit Selection Panel to consider Magistrate Judge Thomas A. Carlson's request for reappointment to a third eight-year term. Magistrate Judge Donald A. Scheer entered on duty on March 1, 1994, following a career which included 8 years as an Assistant United States Attorney preceded by 11 years of private practice.

United States Attorney. During a vacancy in the office of United States Attorney, the Court under 28 U.S.C. § 546(d) appointed Saul A. Green United States Attorney. Mr. Green was later appointed by the President and confirmed by the Senate.

Court Historical Society. The Historical Society for the United States District Court for the Eastern District of Michigan hit full stride during 1993 and 1994 with a variety of programs. They mounted an exhibition of historic photographs of the old Courthouse in Detroit which was built in

1897, demolished in 1932, and the present Courthouse erected on the same site. The exhibit was on display during June and July 1994 and was also featured at the Society's second annual meeting in October. The main speaker at that meeting was Stanford University Law Professor Gerald Gunther, author of the acclaimed biography, *Learned Hand, the Man and the Judge*. Society President William M. Saxton presented Senior Judge John Feikens with a completed volume of his oral history. Oral histories of Senior Judges James P. Churchill and Horace W. Gilmore are nearing completion.

Cameras in the Courtroom Pilot Program. The Court, and especially its committee of Judges, local media organizations and their lawyers, were taken by surprise when the Judicial Conference of the United States abandoned the Cameras in the Courtroom Pilot Program at the end of 1994. During 3-1/2 years the Program was in effect in the Eastern District, 91 requests for cameras were received of which 58 were approved. Of the remaining 33 requests, 19 were disapproved (8 because the judicial officer was not participating in the program and 11 for reasons arising out of the case), 12 were settled prior to the request being processed and 2 were pending at the end of the program.

Caseload Statistics. For the fiscal/statistical years ending September 30, 1993 and 1994, the total civil and criminal case filings went down from 5,751 to 5,467, a decrease in weighted filings per judgeship from 397 to 387. This decrease allowed the judges to reduce the percentage

of civil cases over three years old from 3.5% of the total civil caseload to 1.9%. The national average over the same period for all cases over three years old decreased from 7.7% to 6.2%. Eastern District judges also took advantage of their caseload situation to help out at the Court of Appeals (Sixth and Federal Circuits) and many other districts: Arizona, Connecticut, Virgin Islands, Massachusetts, Northern District of Illinois, Northern and Southern Districts of Ohio, Eastern and Western Districts of Kentucky, Northern and Eastern Districts of New York, Eastern and Western Districts of Tennessee, Western District of Pennsylvania, Western District of Texas and Middle District of Florida.

Juror Utilization. During the past two years, juror utilization (which is really non-utilization) in the Eastern District remained steady at about 33% not selected, serving or challenged. The national goal established by the Judicial Conference is 30%.

Magistrate Judges. Magistrate judges in the Eastern District of Michigan conducted 5,006 and 4,758 hearings for search and arrest warrants, initial appearances, preliminary examinations and arraignments for the fiscal/statistical years ending September 30, 1993 and 1994, respectively. For the same periods they conducted 871 and 759 criminal pretrial conferences, motions and probation revocation hearings. On the civil side, there was an 82% increase (from 270 to 491) in social security disability reports and recommendations and a 62% increase (from 242 to 393) in prisoner civil rights reports and recommendations. Total reports and recommenda-

tions per magistrate judge for fiscal/statistical years 1993 and 1994 were 165 and 186 respectively (a 46% increase of 127 in 1992).

Public Access to Court Electronic Records (PACER). The end of 1994 saw the completion of the design and implementation of PACER in the Eastern District. Registered users are allowed access by modem to all Court computerized criminal indices and dockets since 1978 and civil indices and dockets since 1988.

Facilities. Construction was completed on two new district judge courtrooms and one new chambers on the 2nd floor of the Courthouse in Detroit. This was the first major courtroom construction in Detroit since the late 1970's. Construction was completed on a permanent magistrate judge facility in the Ann Arbor Federal Building. Funding was approved for the construction phase of the Prospectus Project in the Detroit Courthouse. This project will consist of two district judge courtrooms and chambers on the 1st floor, five magistrate judge courtrooms and chambers on the 6th floor, Clerk's Office, jury assembly and grand jury rooms on the 5th floor, and office space for the Pretrial Services Agency on the 3rd floor. The estimated completion date is late 1997. During the early 1990's, both the Bankruptcy Court and the U. S. Attorney's office asked the District Court for assurances that there would be expansion space in the Detroit Courthouse for their future needs. It was already apparent that future district court expansion, driven primarily by the need to accommodate an ever-increasing number of

senior judges, would preclude expansion space for the Bankruptcy Court and U. S. Attorney's Office. In fact, it became apparent that the District Court itself would require more space. Faced with this impasse, the U. S. Attorney's Office planned and accomplished their move to 211 West Fort Street, across the street from the Courthouse. The Bankruptcy Court began its phased move-out by transferring certain administrative functions of the Clerk's Office and all Chapter 13 clerical support functions to 211 West Fort Street. The balance of the Bankruptcy Court operation, including courtrooms and chambers should be completed during 1996.

Final planning was completed late in 1994 for District Court expansion in the Courthouse which will take place during 1995 and 1996.

Probation Department. The Probation Department implemented the Probation Automated Case Tracking System (PACTS) during 1994. PACTS provides the means to track presentence reports, supervise cases, and other types of investigations in a more efficient manner. Use of hand-held drug testing kits proved more economical than laboratory drug tests. As expected, as a result of the sentencing guidelines being in effect for several years, the number of offenders on supervised release continued to increase while the number of offenders on probation and parole continues to decrease.

Pretrial Services Agency. Implementation of a Supervision Monograph resulted in more personal release bonds, less un-

necessary supervision, fewer restrictions imposed by magistrate judges at initial appearances and fewer modifications at the time guilty pleas were taken. Pretrial also implemented PACTS (Probation and Pretrial Services Automated Case Tracking System) in 1994.

Pro Bono Civil Assignment System. The Volunteer Legal Services Program of the Detroit Bar Association continues to administer the Court's *Pro Bono* Civil Assignment Panel. During 1994, there were 57 new case referrals (31 prisoner civil rights, 9 employment discrimination, and 17 miscellaneous).

Civil Justice Reform Act Advisory Group. On October 4, 1993, the Court approved a Plan for Reduction of Expense and Delay in Civil Cases as provided in 28 U.S.C. § 471 et. seq. to apply to all cases filed in this Court on or after December 31, 1993. In preparing the Plan, the court considered the recommendations contained in the July 1992 Report of the Civil Justice Reform Act Advisory Group and the Advisory Group's supplemental Report dated March 23, 1993.

With the four-year statutory maximum approaching, the Court considered new candidates for appointment to the Advisory Group. The reconstituted Advisory Group will fulfill the statutory obligation of advising the Court concerning its performance under the Plan for the Reduction of Expense and Delay.

Court Security. Under the guidance of U. S. Marshal James Douglas, court security continues to improve from month to month in each of the Court locations.

State-Federal Judicial Council. In 1993, the Eastern District of Michigan State-Federal Judicial Council was formed. The Council consists of the Chief Judge of the U.S. District Court for the Eastern District of Michigan and the Chief Judges of the State Circuit Courts for Wayne, Macomb, Oakland and Washtenaw counties. The purpose of the Council is to improve and expedite the administration of justice by the state and federal trial courts in the Eastern District of Michigan. Twice a year, Chief Judge Cook convenes a meeting of the Council. As a result of these meetings, the court administrators and jury administrators from each of these counties met twice with the administrative and jury staff of the Court to discuss common problems.

Use of Credit Cards. Under the program approved by the Judicial Conference and the Administrative Office, the Court began accepting VISA and MasterCard for all court payments. The program is working smoothly and no problems have been encountered.

United States District Court Western District of Michigan

The Western District of Michigan is pleased to report the conclusion of another productive year. At the outset, the judges of the court wish to acknowledge the time

and effort put forth by all the court personnel in making this year a success.

Personnel. For the past two years, the court has enjoyed a full complement of judicial officers, including two senior judges who continue to actively assist this and other courts around the country, including the Foreign Intelligence Surveillance Court in Washington, D.C.

Civil Justice Reform Act of 1990. 1994 marked the second full year of this court's experience as a demonstration district under the Civil Justice Reform Act. When the Act was passed, Congress designated the Western District of Michigan to conduct a demonstration program to experiment with systems of differentiated case management. Public Law 101-650, § 104(b). In addition, the Judicial Conference of the United States designated this court as an early implementation district court. Acting pursuant to these designations, the court and its Civil Justice Advisory Group developed a comprehensive differentiated case management (DCM) plan incorporating numerous elements of effective case management.

The first year of operation saw successful implementation of DCM, with minimal disruption to ongoing litigation. Close monitoring by both the court and its Advisory Group led to certain procedural refinements as the program progressed. During 1994, the court's consultants conducted interviews with judges, magistrate judges, court staff, and Advisory Group members, to assess the effectiveness of the DCM program. In addition, the consultants conducted a written survey of

attorneys who had handled litigation under the DCM plan. This assessment showed the following major accomplishments during the first year of the DCM program: development of a common, court-wide consensus on differentiated case management among all judicial officers; enhancement of the Rule 16 conference as a meaningful case management device; and significant standardization of forms, orders, and case management practices among chambers.

Assessment of the progress of the court's DCM program at the conclusion of its second year disclosed concrete improvements in case management and expense and delay reduction, in the form of an increase in both civil and criminal case terminations, a reduction in the number and age of pending civil and criminal cases, resolution of over eighty percent of dispositive motions within sixty days of briefing, and a high level of satisfaction with the DCM program on the part of the bar. During the second year of the DCM demonstration project, the court also saw a major enhancement in its ability to generate and analyze case management information by computer techniques.

The court is now in its third year of experience under the DCM plan, at the conclusion of which the court will report to the Judicial Conference, as required by the Act, so that the Judicial Conference can fulfill its statutory obligation to inform Congress of the results of the demonstration program.

Technology in the Court. The court continues to research and implement the

latest in computer technology. During 1994, the court continued its operation of the CIVIL/CRIMINAL Case Management System and the PC/CHASER (Chambers Access to Selected Electronic Records) application supplied by the Administrative Office. Both applications operate on a 486 multi-user computer system. Also during 1994, the Data Communications Network (DCN) was expanded and plans for completing its installation in Grand Rapids and Lansing were made and a 486 multi-user computer was received to upgrade the court's public access system.

The court also continued enhancing and improving in the area of office automation during 1994. All court personnel now utilize the capabilities of a 486 PC and WordPerfect 6.0 for DOS and many are making the move to more advanced applications such as Microsoft Windows and WordPerfect for Windows.

Our court family also continues to actively participate in the development of automation technology at the national level. Members of the staff have been involved in the national District Court Case Management and Statistics Umbrella Group, a Post Automation Review for the District of Minnesota, the Sixth Circuit Office Automation Users Group and the Court Technology Conference sponsored by the National Center for State Courts. Chief Judge Benjamin Gibson also completed his term on the Automation and Technology Committee of the Judicial Conference.

Court Workload. The district filed 1,659 civil cases and 234 criminal cases, for a total of 1,893 cases in 1994. This

was a slight (2 percent) decrease over the 1,931 cases filed in 1993. Terminations again exceeded filings and totaled 1,962. The pending caseload as of December 31, 1994 was 1,314 civil cases and 170 criminal cases, for a total of 1,484 cases, or a 1.5 percent decrease in the pending caseload.

As of September 30, 1994, the district had only 50 cases or 3.8 percent of its caseload over three years old.

During 1994, the court provided a number of training seminars, including video and local in-house training programs, to both the judicial officers and the staff. These programs ranged from computer training to office productivity and docketing. Also included was a court-wide training seminar that covered such topics as being part of a winning team, self-motivation and communication.

Probation. The Probation Office was reorganized during 1994. A new Deputy Chief position was created along with an additional Supervisor position. Three new officers were also added to the Probation staff.

The Probation Office ended 1994 with a caseload of 355, a slight decrease from the previous two years. Pretrial Services cases remain steady with 411 new cases for the calendar year. Pretrial Services officers continue to interview and submit bond recommendations for 96 percent of the defendants appearing in court. A probation and pretrial services case tracking system was also implemented within the district, and an automation Systems Manager and a

Data Quality Analyst were added to the staff to help implement this system.

The Probation Office also established a Comprehensive Sanction Center to aid in supervising offenders. Two probation officers are assigned to the center on a part-time basis. These officers serve as case managers overseeing the activities of both individuals sentenced to the center by the court and residents transferred from federal institutions.

Special Projects. The court continues to run the Hillman Advocacy Program each January to teach basic advocacy skills to new attorneys. 1994 marked the 13th anniversary of this workshop, which has enrolled nearly 1,000 attorneys since its inception. The success of the program continues to be due to the combined efforts of the court and the Western Michigan Chapter of the Federal Bar Association. Our judges and other members of the staff were also frequent participants in other bar seminars during 1994 dedicated to federal court practice.

Alternative Dispute Resolution continues to be a priority in this district. During the past two years the court has begun experimental use of early neutral evaluation as another part of its comprehensive ADR effort.

Finally, the court continues to take part in the Central Financial System (CFSII) pilot program and has completed three full years as a budget decentralized court.

United States Bankruptcy Court Western District of Michigan

In 1994 the Bankruptcy Court for the Western District of Michigan experienced the second year of a decline in bankruptcy filings. In 1992, the number of new cases set a record of 7518 cases. For eight consecutive years (from 1984 to 1992) cases have increased each year. In 1994, however, only 6244 cases were filed, representing a decline of 17% from the 1992 figure. This decrease in filings has not been spread uniformly over all chapters. Chapter 11 cases have declined by 40% while chapter 7 cases have declined 20% in the same period. Chapter 13 case filings, on the other hand, have remained almost static for this entire two year period. It appears from the most recent months that the decline may have come to an end. Statistics from the first two months of 1995 indicate an increase of 7% over the first two months of the preceding year.

As a result of both the decline in the court's caseload and of changes in the court's staffing allocation, the support staff of the court has dropped from 44 to 37 employees. This required reduction in size was accomplished entirely through voluntary retirements and transfers of employees, but this court, like many other bankruptcy courts in the circuit, lost many of its most experienced employees. In order to deal effectively with the loss of workers, the staff of the clerk's office was reorganized using the case administration team

model of court administration. Each of the three judges of this court has been assigned a team of four case administrators and one calendar clerk to handle all case administration functions. This approach has proven effective in improving the quality of docketing and filing and has also proved to be popular with both team members and judicial staff. Team members are assigned to each specific judge on a long term basis, giving the teams the ability to learn and adapt to procedures unique to each chambers staff.

The challenges facing this court are similar to those being faced by all federal agencies. There is mounting pressure to become more productive with fewer resources and we expect this pressure to grow rather than diminish in the coming years. Therefore, the challenge is to anticipate and plan for another period of rising case filings with the real possibility of diminishing resources and financial support.

United States District Court Northern District of Ohio

Five new district judges were appointed in the Northern District of Ohio during the past year filling judgeships that had been vacant a minimum of 18 months including one vacancy that had existed since 1989. Two new magistrate judges were also appointed with one filling a newly autho-

rized position in Youngstown. The appointments helped relieve a severe shortage of judicial resources and will permit the Court to better serve the 5,770,574 citizens of northern Ohio, the ninth largest district in the United States. The addition of the new judicial officers enabled the district to continue its efforts to reduce cost and delay in civil litigation pursuant to its role as a demonstration district under the Civil Justice Reform Act of 1990.

During 1994, the district continued to more efficiently manage its docket and avoid unnecessary cost and delay through the use of a Differentiated Case Management (DCM) plan and a wide menu of Alternative Dispute Resolution (ADR) options. The Court also actively pursued its goal of reducing the number of older cases and motions through its Pending Inventory Reduction Plan (PIRP) and Motions Control Program. Those efforts helped the district remain current with its docket during a period when over 41% of its judgeships were vacant.

District Judges. The Northern District of Ohio is authorized 12 judgeships, 11 permanent and one temporary. The district now has ten active judges on board with two judgeships vacant. Entering 1994, five (41.7%) judgeships were vacant with each of the vacancies existing at least 18 months, including a vacancy in Toledo that had existed since 1989. The Court welcomed Judge Lesley Brooks Wells to the bench in February, 1994; followed by Judge James G. Carr, who was elevated from magistrate judge, and Judge Solomon Oliver in May; and Judge David A. Katz and Judge Kath-

leen McDonald O'Malley in October. The addition of the new judges was offset, however, by the death of Judge Frank J. Battisti, who had taken senior status earlier in the year, and the retirement of Chief Judge Thomas D. Lambros. The district is fortunate to have the assistance of four senior judges as well as Circuit Judge Robert B. Krupansky who assumed the docket of Judge Battisti.

The turnover in our judicial ranks is likely to continue since two active judges are currently eligible to take senior status or retire and two more will become eligible by May, 1996. These potential retirements place the district's temporary judgeship in jeopardy because that position is scheduled to expire with the first vacancy occurring on or after December 1, 1995. Converting the temporary judgeship to permanent status or, at minimum, extending its terms, ranks among the district's highest priorities.

Magistrate Judges. The Northern District of Ohio received authorization in 1994 for a seventh magistrate judge to be stationed at the new courthouse in Youngstown. That position was filled by Magistrate Judge James D. Thomas on March 1, 1995. In September, 1994, Magistrate Judge Vernelis K. Armstrong filled the position in Toledo vacated by Judge Carr. The Court now has four magistrate judges stationed in Cleveland and one each in Akron, Toledo and Youngstown.

The role of the magistrate judges in the management of civil cases continues to be significant. At the end of 1994, magistrate judges presided over 348 (9.4%) of the

pending civil cases. Magistrate judges were the presiding judicial officers for 396 (12%) of the civil cases that were resolved in 1994, up 45.6% from the 272 civil cases magistrate judges closed in 1991.

Civil Docket. The non-asbestos civil docket has remained relatively stable over the past few years. While the number of civil case filings fell 3.6% from 3,550 in 1993 to 3,422 in 1994, it remained 1.1% above the 3,386 civil cases filed in 1991 immediately prior to the implementation of our DCM plan. According to the June 1994 Federal Court Management Statistics Profile, the district's weighted filings per judgeship is 2.6% above the national average (429 to 418) which ranks third in the circuit and 35th overall. The number of pending civil cases at year end rose 4.1% from 3,543 in 1993 to 3,689 in 1994. From the close of 1991, the number of pending civil actions was up 3.4% from 3,568.

Criminal Docket. The criminal docket is growing at a moderate pace. Criminal case filings rose 3.7% from 462 in 1993 to 479 in 1994 and were 11.4% above the 430 criminal cases filed in 1991. Criminal defendant filings also rose 1.2% from 669 in 1993 to 677 in 1994. The number of pending criminal cases rose 9.45% from 307 at the end of 1993 to 336 at the end of 1994. The number of pending defendants also increased 14.7% from 450 to 516 during that time.

Asbestos Civil Docket. The asbestos docket continues to dramatically impact our staff's workload even though all asbestos cases pending in federal courts were

transferred to the E.D. of Pennsylvania for pretrial management supervision by an order of the Judicial Panel on Multi district Litigation (MDL) in 1991. Pursuant to that order, case files and pleadings continue to be maintained and docketed by the transferor courts. Currently, the district maintains over 14,000 pending asbestos case files. The asbestos docket continues to grow as over 4,000 new asbestos cases have been filed here during each of the past two years. In addition, about 8,000 asbestos pleadings are filed each week. The June 1994 Federal Court Management Statistics Profile reports that, when asbestos filings are included, the district's total case filings per judgeship rank first in the circuit and third in the nation. Should the MDL settlement initiatives fail, each of the district's 14,000 pending asbestos cases could be returned here for trial placing an additional burden on the district's judicial officers.

Differentiated Case Management.

Under the Civil Justice Reform Act of 1990, the Northern District of Ohio was designated to "experiment with systems of differentiated case management that provide specifically for the assignment of cases to appropriate processing tracks that operate under distinct and explicit rules, procedures, and time frames for the completion of discovery and for trial." 28 U.S.C. § 482. Section 8 of the Local Rules sets forth the district's DCM plan. Because the plan was operational by January 1, 1992, the Court also received status as an Early Implementation District under the Act. The underlying principle of the DCM plan is to

make access to a fair and efficient court system available and affordable to all citizens by reducing costs and avoiding unnecessary delay without compromising the independence or the authority of either the judicial system or the individual judicial officer. The DCM plan attempts to meet these goals by providing early involvement of a judicial officer in each case and by establishing "event-date certainty" for case management conferences, status hearings, final pretrial conferences and trial dates as well as for discovery and motion cut-off dates. Under the DCM system, judicial officers review each case and assign it to one of five processing "tracks": expedited, standard, complex, administrative or mass tort. Each track employs case management guidelines tailored to the general requirements of similarly situated cases and case management plans are issued to meet the specific needs of individual cases. While the district's term as a demonstration district technically expired on December 31, 1994, legislation is pending that would extend the demonstration period through December, 1996. In any event, the Court plans to continue with the new case management techniques adopted pursuant to its CJRA efforts.

Since the inauguration of the DCM program, 5,313 cases have received track assignments including: 716 (13.5%) expedited track assignments, 2,443 (46%) standard track assignments, 223 (4.2%) complex track assignments, 54 (1%) mass tort track assignments and 1,877 (35.3%) administrative track assignments. Cases assigned to tracks are being resolved more

quickly, on average, than the guidelines established by the DCM Plan. For instance, the terminated expedited track cases have been completed, on average, within eight months (9 month guideline) and standard track cases have been completed in 11 months (15 month guideline).

Alternative Dispute Resolution. The district's wide menu of Alternative Dispute Resolution options has proven to be popular with litigants, counsel and judicial officers. The ADR options were designed to provide quicker, less expensive and generally more satisfying alternatives to traditional litigation. Section 7 of the Local Rules provides guidelines for the use of early neutral evaluation, mediation, arbitration, summary jury trials and summary bench trials as well as other forms of ADR. The district serves as a pilot district for voluntary arbitration. The Court relies on its Federal Court Panel of neutrals (over 300 individuals with experience, training and expertise in ADR) to serve as early neutral evaluators, mediators and arbitrators. Federal Court Panel members serve the parties and the Court overwhelmingly on a *pro bono* basis.

During 1994, judicial officers of the Northern District of Ohio referred 400 cases to ADR. Since 1992, there have been 1,167 ADR referrals including: 465 cases to early neutral evaluation; 613 cases to mediation; 28 cases to arbitration; 58 cases to summary jury trial; two cases to summary bench trial; and one case to a mini-trial process. The results of 1,062 ADR referrals are now known; the remaining 105 cases have not yet completed the

ADR process. Of the cases now completed, 232 (22%) were resolved through the ADR process by settlement or binding arbitration award. Another 160 (15%) cases were resolved after the actions were referred to ADR but before the ADR proceedings took place. Even those actions that were not resolved through ADR benefited from the process because the ADR proceedings placed those actions in shape for more efficient case processing and set the stage for future settlement negotiations.

Pending Inventory Reduction Plan (PIRP). At the time the Court implemented its DCM plan, it also adopted a Pending Inventory Reduction Plan to address the needs of previously filed and older cases. Two key goals of the PIRP are that no cases be pending which are over three years old and that no motions be pending more than six months. The results of the PIRP have been impressive. Over 95% of the civil cases that were pending on December 31, 1991 immediately before the implementation of the new DCM plan, including many considered "hard core durable" cases, were closed by the last day of 1994. In addition, the number of cases three years and older has been reduced by over 55% since the district initiated the plan. Through its efforts under the PIRP, as well as under its separate Motions Control Program, the Court dramatically reduced the number of motions pending six months or longer from 1,420 in September, 1993 to 280 in September, 1994.

Juror Utilization. Over the past five years the district has successfully focused

on improving its juror utilization. At the close of 1989, the district ranked last in the circuit and 93rd nationwide in the percentage of jurors called but not used. For the year ending September 30, 1994, the district ranked second in the circuit and 27th in the nation with juror utilization percentage of 22.4% unused. Reductions in the number of jurors called but not utilized is a direct result of sound juror management techniques such as staggering trial start times, bunching jurors, multiple voir dire, and assessment of jury costs for late settlements. The district continues its efforts to monitor and improve juror utilization.

Facilities. The new U.S. Courthouse in Youngstown was dedicated and open for business on December 15, 1993. Since then, district and magistrate judges have regularly traveled from Cleveland and Akron to conduct hearings there. The district eagerly awaits the appointment of a state court judge recently nominated by the president who would be stationed in Youngstown along with our newest magistrate judge. Because the size of this courthouse was sharply reduced from its original plan, GSA is proceeding with plans for an additional courthouse in Youngstown and conducted architect and site selection in 1994 with the Court's participation.

In the spring of 1994, the senior district judges and the bankruptcy court in Cleveland moved from the U.S. Courthouse to their newly constructed leased space across the street in the Society Tower. Following those moves, the Cleveland magistrate judges returned to the courthouse after

being located in leased space ten blocks away for the previous three years.

Planning for a new U.S. Courthouse in Cleveland is well underway. In 1994 the Court participated in the architect selection process as well as the site selection process. It is hoped that this process will allow the new courthouse to be operational by Christmas of the year 2000.

Clerk's Office Personnel Allocation. The district court clerk's office has been significantly affected by efforts to equalize staffing levels of court units throughout the federal judiciary based on a workload measurement formula. Under the staffing equalization program for fiscal year 1994, the clerk was forced to reduce staffing from 88 to 80, only to receive authorization for 20 new positions when the formula was recalculated for fiscal year 1995. The clerk's office now has 92 personnel on board. While our workload requires 118 positions, we are only authorized to fill 100 positions at the 84% staffing level.

Automation. The court recently installed two new 486 computer systems, one dedicated to asbestos case docketing and the other used for the Court Financial System (CFS) and personnel related databases. Since the last annual report, the district also installed CHASER (Chambers Access to Selected Electronic Records) to improve access to case related information. The district eagerly awaits the installation of the Data Communications Network (DCN) scheduled for the summer of 1995 and has formed a committee of judges, magistrate judges, law clerks and staff to implement an Opinions Retrieval System

once the network is in use. The district has upgraded to WordPerfect 6.1. The automation staff currently supports 22 judicial chambers and over 200 personal computers district wide.

Probation Office. The Probation Office workload decreased during 1994. There were 1,208 persons under supervision at year end, 7% fewer than in 1993. The number of reports completed was also 9% less than the year before. At the close of the year, 431 persons were participating in drug, alcohol, and mental health treatment programs. A record number of offenders (218) participated in the Probation Office's Home Confinement Program. Probation Officers collected \$787,735 in fine and restitution payments and monitored 7,880 hours of community service. Allocated staff positions were reduced from 87 to 82.

Pretrial Services Office. The Pretrial Services Office is now in its seventh year of operation. In 1994, 725 cases were activated and prebail reports were prepared on 97% of the defendants. There were 277 defendants released on pretrial supervision involving drug treatment/testing, electronic monitoring and increased contacts to comply with court orders. A total of 475 defendants were released on bail. Drug offenses accounted for nearly 28% of the varied charges. The district implemented the national standard for quality community supervision of defendants, via the Pretrial Services Supervision Monograph, approved by the Judicial Conference.

Due to five resignations, Pretrial Services operated at less than 3/4 staffing based on the work measurement formula

for the majority of 1994. Currently, 13 staff (12.5 positions) are on board. On two occasions the Probation and Pretrial Services Division invited a district staff automation specialist to the Administrative Office to assist with refinements in the national case management database PACTS (Probation and Pretrial Automated Case Tracking System).

Conclusion. Having labored under a severe shortage of judicial officers for the past several years, the judges of the Northern District of Ohio were pleased to welcome five new district judges and two new magistrate judges to the bench during the past year. The addition of these judicial officers provides the Court with the judicial resources to actively, and realistically, continue its efforts to reduce cost and delay in civil litigation through the use of differentiated case management and alternative dispute resolution. While the district's status as a demonstration district under the Civil Justice Reform Act has technically expired, the Court will continue utilizing these new case management techniques. The district will also continue to focus on reducing the number of older cases and motions through its Pending Inventory Reduction Plan and Motions Control Program as well as strive to improve its rate of juror utilization. Through these efforts, and with continuing cooperation between the bench and the bar, the district hopes to improve the quality of judicial administration.



United States Bankruptcy Court Northern District of Ohio

Following years of relative stability in our judicial family, three of the most senior bankruptcy judges in the United States took well deserved retirement in 1994. The Honorable Harold F. White of Akron stepped down as an active bankruptcy judge on January 31, 1994 after more than 35 years of service. He immediately commenced his new role as a recalled judge on February 1, 1994. The Honorable Walter J. Krasniewski of Toledo retired on August 1, 1994 after 29 years as a bankruptcy judge and also continues to serve in recalled status. The Honorable William J. O'Neill of Cleveland concluded over 33 years of active service on September 30, 1994 and he, too, continues in recalled status, pending the appointment of his successor.

The Honorable Marilyn Shea-Stonum joined our bench on September 19, 1994, filling Judge White's position in Akron. It is expected that a successor to Judge O'Neill will be in place within the next several weeks.

Our court and its staff have been kept busy with physical relocation as well. The Youngstown court moved into a new building in early 1994 and a few months later, the Cleveland division of the court, with its three judges, their staffs and the clerk's office transferred into beautiful new quarters on the 30th, 31st and 32nd floors of the Society Center Tower in downtown Cleveland. Chambers have been con-

structed for Judge White in Akron for his occupancy in his recalled status.

Two of our judges have been involved in symposia on an international level. The Honorable Randolph Baxter, in the summer of 1994, traveled to France and in March, 1995, to Toronto, Canada to take part in multinational educational programs and the Honorable David F. Snow earlier this year participated in a program in the Ukraine.

Our court continues its automation upgrading with state-of-the-art personal computers and improved software, constantly expanding our capability of making more information available more rapidly to the public, the judges, their staffs and clerk's personnel.

Bankruptcy filings continue to decline in the Northern District of Ohio, reflecting the national trend. The falling caseload and budgetary constraints caused the Judicial Conference of the United States, in December, 1993, to approve a staffing equalization plan for the Judiciary, a move which had a profound impact on our court which experienced a 20% cut in staff. Equally significant was the impact on less tangible but more deeply rooted factors. Staffing equalization forced us to readjust our perception of the organization's cultural environment. Our concept of job stability was tested and redefined.

Our primary objective in dealing with staffing equalization was to respond effectively to the Judicial Conference's mandate with minimum adverse impact on the court's operation. We relied on a number of concrete strategies that included:

- consulting and establishing a positive relationship with content experts at the Administrative Office's Policy Branch;
- developing and implementing an internal staffing equalization plan;
- communicating frequently with staff via all levels of management;
- restructuring work units and re-deploying staff to accommodate decrease in staff size;
- providing assistance for outside job searches and retirement planning.

Staff reduction has been achieved through:

- voluntary resignation;
- early/full retirement enhanced by the Voluntary Separation Incentive Plan
- transfer to other courts/court units;
- elimination of non-essential and duplicative positions as defined in the staffing equalization plan;
- conversion to part-time status.

We sincerely hope that staff reductions, and the pain which accompanies them, are behind us. In any event, the court and its staff look forward to continued excellent service to the citizens of the Northern District of Ohio.

United States District Court Southern District of Ohio

In 1994, a year in which there was no Sixth Circuit Judicial Conference, the judges of the Southern District of Ohio

organized a Federal Bench/Bar Conference at Columbus on May 5-6, 1994. A reception for all attendees was held on May 5 at the headquarters of the Ohio State Bar Association and a full day's program was presented on May 6 at the Columbus Convention Center. The program was designed to include a variety of subjects of interest to members of the bar, including case management and settlement techniques, professionalism, the Civil Justice Reform Act and local rules amendments, bankruptcy law and multi-party litigation, white collar crime and a Sentencing Commission update. The program was approved by the Supreme Court of Ohio Commission on Continuing Legal Education for CLE credit. The subjects were presented by panels of district judges, magistrate judges, bankruptcy judges and prominent members of the court's bar. Approximately 250 attorneys attended the conference, and the post-conference evaluations by the attendees indicated both a strong endorsement of the program and a desire for similar conferences in the future. The Court expresses its appreciation to the Planning Committee, the Coordinating Committee and to District Judge George C. Smith and his staff for their work in making the arrangements for the conference.

In 1994 Congress approved the establishment of a federal public defender organization for the Southern District of Ohio with offices in Columbus and Cincinnati. After a merit selection panel had reviewed and evaluated the applicants for this new position and made its recommendations to the Sixth Circuit Court of Ap-

peals, the Court of Appeals in October 1994 selected Steven R. Keller of Columbus, Ohio, a highly experienced defense attorney in criminal cases, as the first federal public defender for this district. The oath of office was administered to Mr. Keller on February 1, 1995.

United States Bankruptcy Court Southern District of Ohio

Staffing Equalization. The one word that best characterized 1994 for the Clerk's office of the United States Bankruptcy Court for the Southern District of Ohio was equalization - the Administrative Office's version of downsizing. The Clerk's office lost over 23% of its workforce last year, which was mandated by the United States Judicial Conference. Each clerk's office was given less than nine months to make personnel cuts to reach authorized staffing ceilings. This action fundamentally changed the Judiciaries culture forever.

Although staffing equalization offered significant challenges to the Clerk's office, it was not devastating. The Clerk's office not only survived in what could have been a disastrous year, but in many ways prospered during 1994. 1994 was a successful year for the district because strategic planning had taken place in prior years. In other words, the Clerk's office had been planning for the inevitability of downsizing years before it became a reality.

An organizational structure which eliminated speciality positions, limited middle management and stressed a generalist orientation was the key to our strategic plan. The rapid growth of the Clerk's office in the early 90s placed a great deal of stress on the existing organizational structure. It was apparent that our traditional speciality oriented organization did not have the flexibility needed to absorb the changes associated with widely vacillating caseloads. The case administration generalist model was chosen because it had the flexibility to adapt to changing circumstances.

Early in 1993, it became apparent that the Judiciary could not maintain its traditional no layoff policy in the face of growing pressure from Congress for them to cut costs. In recognition of this fact, implementation plans for case administration were accelerated. In addition, employees were made aware that layoffs may be a possibility. Also, management was slowly developing downsizing strategies. When the Administrative Office announced the mandatory equalization staffing levels in late January of 1994, the Clerk's office was ready.

The strategy was simple, inform those who would be laid off early and make every effort to help affected employees find employment. Performance was considered on going and therefore not subject to the equalization plan. In the normal course of business, some employees were removed for cause. All employees with acceptable performance were treated equally in our lay off criteria - by seniority. The overriding

principal was to maintain a standard of fairness and allow employees to leave with dignity. Our strategy was proved successful in that only three employees were laid off. All of the remaining employees subject to layoff found other positions, most of which were equivalent to their former positions.

We are especially grateful for the assistance of Mr. Terry Deinlein, Chief Deputy Clerk for the U.S. District Court, Southern District of Ohio, for providing workshops and counseling services for our displaced employees. Mr. Deinlein played an integral role in our downsizing plan by helping employees work through the emotions of being laid off and develop employment strategies. Currently, Mr. Deinlein is preparing a workshop to help the survivors of downsizing accept the new paradigm which stresses career development over lifetime jobs.

Space and Facilities. Strategic planning also came into focus in 1994 through the districts space and facilities projects. As 1994 drew to a close, plans to move all three court locations to new facilities in 1995 were being finalized. The Columbus Bankruptcy Court and Clerk's office now occupies its new quarters at 170 North High Street. The Dayton Bankruptcy Court and Clerk's office moved into the historic Old Post Office and U.S. Courthouse in June, 1995. The Cincinnati Bankruptcy Court and Clerk's office will occupy the entire eighth floor of the Atrium II building sometime during the summer of 1995. The planning for these projects began in No-

vember of 1990 as part of the district's long range space and facilities plan.

For years, the Bankruptcy Courts in the Southern District of Ohio have endured woefully inadequate and cramped quarters. The Long Range Space and Facilities Plan for the district identified significant space deficits as early as the fall of 1990. Years before the study it was apparent to Court officials that expansion was required. In Columbus and Cincinnati, District and Circuit Court expansion necessitated the Bankruptcy Courts move to leased space. In Dayton, necessary expansion of the Bankruptcy Court would have caused the relocation of several executive branch agencies. With the availability of an historic courthouse, it was decided that leasing a courthouse would be more prudent and more fiscally responsible.

Each building has unique attributes which define them as court facilities. The Columbus Bankruptcy Court is the sole occupant of a totally rehabilitated circa 1920s five story former department store. The building's new facade features architectural elements which define it as a court building. The building's top floor houses three high ceiling 1800 square foot courtrooms. This is a fine example of how older structures can be refitted for judicial use.

The Dayton Bankruptcy Court is returning to its roots. The former home of the United States District Court in Dayton, the Old Post Office, originally dedicated in 1915, boasts an existing ceremonial courtroom, neoclassical architecture with one piece New England granite columns, a grand public hallway with high ornate

ceilings and bronze postal window designed by Tiffineys of New York. The building was refitted with two high ceiling courtrooms on the first floor, the former postal facilities, and associated chambers. The existing courtroom and chambers on the second floor are being retained. The Clerk's office is utilizing the existing bronze postal windows for the intake of filings. By leasing this historic jewel, the Bankruptcy Court is preserving an important local symbol of the United States Judiciary while satisfying its space requirements.

Although the Cincinnati Bankruptcy Court will be occupying more traditional leased space, a high rise, it was fortunate to find a building which could satisfy its space requirements on one floor. As with the other structures, this building boasts three high ceiling 1800 square foot courtrooms. The facility also has magnificent views of the Ohio River and Cincinnati skyline. Being the sole occupant of one 39,000 square foot floor, the Cincinnati facility will create a judicial climate which is in keeping with its high purpose.

Other Accomplishments. Even with the challenges associated with equalization and space and facilities, most of the objectives set last year were accomplished. A sampling includes the implementation of the Bankruptcy Noticing Center, completion of case administration training program, training of PACER users, and procuring new telephone systems for all new court locations.

Productivity also remained high as employees focused on our mission to

provide the best service for our customers. Over 90% of all filings were recorded within 24 hours of filing. Also, case closings exceeded case filings for 1994.

Naturally, employee morale was sporadic in 1994 as a result of equalization. However, by year's end employees showed signs of a renewed spirit and a positive outlook. One indicator is sick leave usage. During 1994, the total hours of sick leave used was less than 3% of the total work hours scheduled.

Objectives for 1995. Objectives for 1995 include refining our mission statement and developing a vision and organizational values statement, conducting total quality management training and developing a strategic plan for implementation, presenting a workshop on surviving downsizing, continuing diversity programs, reviewing and improving work processes, and conducting a Post Automation Review with the Administrative Office. The latter involves an audit team assembled by the Administrative Office to review the processes and procedures of an automated court. Reports and recommendations from the audit team will be used to improve the functionality of BANCAP.

Events in 1994 showed us the importance of preparation and strategic planning. Strategic planning involves looking at the forces that drive our institutions and world events in order to forecast likely scenarios and plan appropriate strategies. Our most likely scenario in one of increasing workload and scarce resources. Our strategy will be to maximize the productivity of our existing resources. The objectives men-

tioned above will ensure that our goal of maximizing productivity is achieved.

Judge Burton Perlman Takes Recall Status. Judge Burton Perlman, United States Bankruptcy Judge at Cincinnati, Ohio was granted recall judge status upon his retirement from the Bench on October 1, 1993. As a recall judge, Judge Perlman will serve the Judiciary for at least three more years. Prior to his retirement, Judge Perlman served at the district's Chief Bankruptcy Judge from 1986 to 1993.



United States District Court Eastern District of Tennessee

The past year was one of turmoil for us as we struggled with downsizing and at the same time dealt with ever-changing plans for a new courthouse in Knoxville. In the meantime, plans for a new courthouse in our Greeneville division moved forward. By year's end, we were focused on the new challenges ahead of us.

New Courthouses. The plans for building a courthouse in Knoxville took a turn when a large, modern office complex across the street from the present courthouse became available and the General Services Administration entered into negotiations to buy it instead of build a new structure. As the year ended, it became apparent that the existing building was the most economical and feasible route to pursue, and it now is almost a certainty that

the existing building will become the new courthouse. This turn of events is very unusual in new courthouse planning, but the change will result in less cost for the government than would have been incurred with a new structure.

Plans for the new courthouse in our Greeneville division became more firm during the year, and by early 1995, site selection was under way.

Downsizing. Our court dealt with the loss of a total of nine employees--three in district court, six in bankruptcy court--during 1994. It was an unpleasant experience for all involved, but our remaining staff members loyally took on the extra work.

New Judgeship. The Judicial Conference approved a sixth judgeship for our district at its September 1994 meeting. We have a fifth judgeship that has not been filled since its creation in December 1990, so we are hopeful that both it and the new one will be filled sometime in the near future.

Bankruptcy Judgeships. An added bankruptcy judgeship for the district--filled in late 1993 by Judge Marcia Parsons--enabled the bankruptcy court to open an office in a division that previously was not staffed by bankruptcy personnel. With the opening of that office in Greeneville, Tennessee, citizens in the Northeastern section of the district gained far better access to the bankruptcy court. Other action in bankruptcy judgeships saw the retirement of Chief Bankruptcy Judge Ralph Kelley and the appointment of Bankruptcy Judge Thomas Stinnett to replace him.

Pretrial Services Office. Our Pretrial Services Office, created in mid-1993, became well established during 1994 with a full complement of personnel. The office has been of great benefit to the court.

Chambers Newsletter. Our clerk's office developed a special newsletter in late 1993 just for chambers personnel as a means of keeping our four district judges and four magistrate judges and their staffs abreast of strictly chambers-related matters. Since our judges reside in three different cities, developments that might be of interest to other judges within the district sometimes do not get communicated, and the newsletter serves to help toward that end.

May 4, 1994, Judge R. Thomas Stinnett was appointed to fill the vacancy created upon Judge Kelley's retirement. Judge Stinnett sits in the Southern Division in Chattanooga.

Although staffing equalization required the court to downsize during 1994, the efforts of dedicated staff, an experienced and efficient clerk, and hard-working deputy clerks allows the court to fully and efficiently serve the Eastern District of Tennessee. In an effort to expedite certain types of proceedings and to make more uniform the practice in the court's three divisions, new Local Rules of Practice and Procedure went into effect on January 17, 1995.

United States Bankruptcy Court Eastern District of Tennessee

During the past two years, the court has seen its senior judge retire and has had two new judges appointed. Judge Ralph H. Kelley retired on September 30, 1993, but has continued to serve the district in a recall status. On November 23, 1993, Judge Marcia Phillips Parsons was appointed to fill the newly-created judgeship in the court's Northeastern Division. Judge Parsons sits in Greeneville and is served by a division of the clerk's office which became fully operational during 1994. On

United States District Court Middle District of Tennessee

The Civil Justice Reform Act Cost and Delay Reduction Plan was adopted on December 1, 1993 and was implemented, in part, as Rules 11 and 20 of the Local Rules of the Court, United States District Court, Middle District of Tennessee, effective March 1, 1994. This Plan provides for mandatory, Court-supervised case management for each civil case subject to the Plan (all civil cases not specifically exempted under Rule 11 of the Local Rules of the Court). As of the filing of this report, through February, 1995, statistics indicate that cases filed under Customized

Case Management (CCM) are being disposed of during the pre-trial phase on a more efficient basis than those cases not falling within the CCM guidelines.

Perhaps most illustrative of this efficiency is the comparison of cases eligible for CCM, which were filed pre-CCM, with those cases that were filed under CCM. Since March, 1994, the 275 cases that were filed pre-CCM were compared to 247 cases which were filed under CCM. In the pre-CCM cases, 158 dispositive motions were filed and 84 (53%) were resolved by court order as of February, 1995. Of the 145 CCM dispositive motions filed, 90 (62%) were resolved by court order as of February, 1995. Seventy (70) of the 84 (83%) pre-CCM motions were resolved within six months after filing. Eighty-nine (89) of the 90 (99%) of CCM motions were resolved within six months of filing. If this trend continues, it will be readily apparent that the Customized Case Management process being utilized in the Middle District is quite effective.

One of the most statistically difficult things to prove is the amount of time that customized case management takes when it is assigned to a Magistrate Judge for handling. Traditionally, time statistics have not been used in determining whether a Court System has need of an additional Magistrate Judge. As was mentioned in the 1992 Annual Report, this District requested a third Magistrate Judge position under the strong belief that a third Magistrate Judge position is justified in light of not only the existing workload, but also in light of the anticipated increased responsibilities concomitant with the CJRA Cost and

Reduction Plan. Even though the third Magistrate Judge position was determined to be unjustified by the Administrative Office at that time, it is expected that this request will be renewed in 1995 in light of the pre-trial efficiency which the CJRA Cost Reduction Plan is demonstrating in conjunction with the large amount of Magistrate Judge time taken to manage the civil caseload falling under CCM.

With respect to case filings, the civil case load from 1993 to 1994 remained relatively stable, there being only 30 more cases filed in 1994 than were filed in 1993, or a 2% increase.

Conversely, the number of criminal defendants decreased by 15% from 1993 to 1994. In 1994, there were approximately 297 criminal defendants appearing before our Courts and in 1993 there were 252 criminal defendants.

The end of 1994 saw significant personnel changes taking place within the Middle District. Magistrate Judge Kent Sandidge, III retired on December 31, 1994; and he was succeeded by new Magistrate Judge Juliet Griffin, who took office on February 5, 1995. Ms. Griffin was elevated to the position of Magistrate Judge after ten (10) years of distinguished service as the Clerk of Court. On February 10, 1995, Roger Milam, a former practicing attorney, was appointed Clerk of Court for the Middle District of Tennessee.

Finally, the PACER and CHASER electronic docketing data bases are available and on-line in the Middle District. The PACER service has been well received by those members of the Nashville Bar Association who have availed themselves of

the service, and it is anticipated that the use of this service will grow through out the Middle District as it becomes better known. As Chambers becomes more automated and as the Judges attend automation training, it is anticipated that the CHASER data base will become increasingly more useful in the efficient management of our Courts.

United States District Court Western District of Tennessee

During 1994 the United States District Court for the Western District of Tennessee reduced its caseload, made progress in automation, and provided leadership in education and training for judicial officers and court employees.

For fiscal year 1994 the district reported an average of 266 cases pending per judgeship, a sixteen percent decrease from the 317 pending cases per judgeship in 1993 and down significantly from 516 cases per judgeship in 1990. Filings decreased a modest 3.8 percent in 1994, and median times from filing to trial and from filing to disposition improved. The number of three year old cases in the district has dropped seventy percent since the district adopted its Civil Justice Reform Plan in 1991. The court attributes this improvement to implementation of its Civil Justice Reform Plan, a small decline in filings and the energetic efforts of judicial officers and court employees.

The Integrated Case Management System (ICMS) was fully implemented for civil and criminal docketing in 1994. Other automation efforts included networking chambers, upgrading the district's personal computer inventory and introducing the PACER system (Public Access to Court Electronic Records).

In November, the court hosted, in partnership with the Federal Judicial Center's Judicial Education Division, a regional mediation training seminar for judicial officers. District judges, magistrate judges and bankruptcy judges from the Western District of Tennessee, Northern District of Mississippi and Eastern District of Arkansas participated. The district also provided leadership in promoting exchange of training information among courts, when its clerk of court hosted the first Sixth Circuit Training Coordinators Seminar in September. Representatives of district clerks' offices, bankruptcy clerks' offices, probation and pretrial services units attended.

In miscellaneous events of the year, Senior Judge Robert M. McRae retired at the end of the year, following more than twenty-eight years of service to the court. Among other endeavors, Judge McRae is working on an oral history of Northcross vs. Memphis Board of Education, a school desegregation case over which he presided for more than two decades. The court also completed construction of a much-needed grand jury suite which provides adequate space and appropriate surroundings for grand jurors and witnesses.

United States Bankruptcy Court Western District of Tennessee

Even though the Bankruptcy Court for the Western District of Tennessee experienced a minimal decrease in new case filings during CY 1994, the court still ranked third nationally (behind the Central District of California and the District of Maryland) in weighted case hours per judge. During CY 1994, the court received 16,020 new case filings as compared to 16,595 new case filings in CY 1993. This change represented a decrease of 3.5% which is still less of a decrease than experienced on a national scale.

Chapter 13 filings dropped 1% district wide (184 cases) in CY 1994. The Western District of Tennessee's caseload is now comprised of 80% chapter 13 filings. Once again the district recorded a decrease in chapter 11 filings (51%). Chapter 11 filings now represent less than 1% (70 cases) of the district's total new case filings.

The three Standing Chapter 13 Trustees in the Western District of Tennessee returned to the community more than 100 million dollars in FY 1994. This amount is approximately the same as the amount returned in CY 1993.

At the close of CY 1994, the court managed to reduce its pending caseload by 67 cases over CY 1993. The court was also able to reduce its pending adversary proceedings by 73 proceedings over CY 1993. This was a result of the court closing a total of 16,310 cases and 1,464 proceedings during CY 1994.

The Bankruptcy Court for the Western District of Tennessee entered CY 1994 at a

staffing level of 79% (73 positions). With the new staffing formula in place and the court permitted to staff up to the 84% level, five new positions were available to be filled. The court was able to effectively and expeditiously operate and the positions were not filled. The salary savings for these positions were used to complete necessary projects in the Bankruptcy Court as well as transfer more than \$12,000.00 to the District Court for the Western District of Tennessee for their unfunded projects. The Administrative Office of the United States Courts also benefited from these positions not being filled by not having to contribute to health and life insurance coverage which they otherwise had budgeted for the positions.

On October 27, 1993, H.R. 2519 was enacted requiring the Judicial Conference of the United States to study the effect of waiving the filing fee in chapter 7 bankruptcy cases for individual debtors who are unable to pay the fee in installments. The Western District of Tennessee was selected as one of the six federal judicial pilot districts to participate in the study. The other participating districts are the District of Montana, the Eastern District of New York, the Eastern District of Pennsylvania, the Southern District of Illinois, and the District of Utah. The study was commenced October 1, 1994, and will run for a period of three years. The Court's Eastern Division Office, located in Jackson, Tennessee, was expected to relocate into leased space by December 1994. Due to numerous occurrences, the court will be expanding within the Ed Davis Federal Building by June 1995. This will be a stop gap measure until a new federal courthouse is constructed in Jackson sometime in 1997.

In Memoriam

Honorable John W. Peck

Honorable Scott E. Reed

Honorable Ronald E. Meredith

**MEMORIAL RESOLUTION
FOR
JOHN W. PECK
UNITED STATES CIRCUIT JUDGE
SIXTH CIRCUIT**

John Peck was not new to the judicial role when he was appointed to the Sixth Circuit Court of Appeals in 1966. He had served with distinction as a judge of the Common Pleas Court of Hamilton County, Ohio, and the Supreme Court of Ohio in addition to his five years on the U.S. District Court in Cincinnati. Nevertheless, his elevation to the Court of Appeals placed him in the position for which he seemed to have been born. He soon became an institution within that institution.

When appointed, and for several years thereafter, Judge Peck was the only "resident judge" on the Court of Appeals. The last Cincinnati resident to serve on the court prior to Judge Peck's appointment was our distinguished former colleague Justice Potter Stewart. The non-resident chief judges used Judge Peck, with total confidence, as their surrogate in dealing with the court staff on a day-to-day basis. Because of Judge Peck's complete fairness and unfailing courtesy, members of that staff not only respected him--they held him in genuine affection.

In addition to serving as the court's most available judge for emergency motions and last minute panel changes, Judge Peck carried a full load of sittings. He authored hundreds of opinions for the court, opinions that were known for their common sense approach to problem-solving as well as for their scholarship and clear writing style.

While performing all of these duties, Judge Peck found time to assemble a book of 100 model orders for disposing of routine cases that did not require published opinions. This publication saved countless hours of judicial time in the days before the court had staff attorneys to assist in processing such cases.

In 1984 the new federal building at Fifth and Main Streets in Cincinnati was named, by an Act of Congress, The John Weld Peck Federal Building. In an editorial on September 13, 1984, *The Cincinnati-Enquirer* stated that the naming of the building for Judge Peck was "a matter of intense satisfaction" to those familiar with his career. The editorial concluded with these words:

In every assignment, Judge Peck has been a diligent and effective public servant. Just as important, he remains a congenial and affable human being whom Cincinnatians of all faiths and persuasions are proud to regard as a friend.

This tribute expresses accurately the place Judge Peck held in the hearts and minds of his neighbors and friends. Cincinnati was as proud of John Peck as he was of his native city.

It is impossible to recount Judge Peck's life and achievements in any detail in this brief memorial. He taught in two law schools in his "spare time," served on the school board

**MEMORIAL RESOLUTION
FOR
SCOTT E. REED
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF KENTUCKY**

The Judicial Conference of the Sixth Circuit notes with sorrow the death of United States District Judge Scott E. Reed on February 17, 1994. A native of Lexington, Fayette County, Kentucky, he was born on July 3, 1921.

Judge Reed distinguished his public school attendance with superior academic achievement including the winning of the state high school debating championship in 1939 while a student at Henry Clay High School. Having served in the U. S. Army Enlisted Reserve Corps from 1942-1943, Judge Reed received his law degree from the University of Kentucky College of Law in 1945. His twenty year career in the practice of law included ten years of practice with the law firm of Gess, Turner and Reed and ten years in the partnership of Wallace, Turner and Reed. During this period of time he served as Fayette County Attorney and Adjunct Professor of Law at the University of Kentucky College of Law where he taught Evidence and Civil Procedure.

Judge Reed's remarkable and distinguished judicial career started in 1964 when he was elected Fayette County Circuit Judge. After five years on the Circuit Bench he was elected to the Court of Appeals of Kentucky, the Commonwealth's highest Court, until the passage of the 1975 Judicial Amendment to the Kentucky Constitution creating the Kentucky Supreme Court. With the creation of the new Court, he became the first Chief Justice of the Commonwealth of Kentucky serving in the position until 1977 at which time he stepped down to become an Associate Justice on the Court until his appointment as Judge to the United States District Court for the Eastern District of Kentucky.

On November 27, 1979, Judge Reed, on appointment of President Jimmy Carter, became the seventh Judge to sit on the Eastern District Court which was created in 1901. Because of declining health he took Senior Judge status on August 1, 1988, and retired from the Court on February 6, 1990.

Judge Reed received many awards and honors during his lifetime. While a student at the University of Kentucky in 1945, he earned the Algernon Sydney Sullivan Medallion, the institution's highest academic honor as well as membership in the Order of the Coif and Editor-in-Chief of the Kentucky Law Journal. In 1977, he received the coveted Henry T. Duncan award of the Fayette County Bar Association for leadership and professional conduct; an honorary Doctor of Laws degree from Northern Kentucky University and the Outstanding Judge Award of the Kentucky Bar Association.

As the first Chief Justice of the Commonwealth of Kentucky, Chief Justice Reed was the leader in the complex and massive implementation of the new state judicial system and helped develop the procedural and substantive law of the Commonwealth. Judge Reed was considered a strict interpreter of Kentucky's 1891 Constitution and a staunch advocate of the separation of powers doctrine. He had fierce intellectual integrity, was a great scholar and student while exercising good judgment and common sense. From his service on the state bench he brought to the Eastern District Bench an intellectual approach to the law combined with compassion and justice for all litigants. A person of honesty, fairness and great wit, he listened to classical music, read Roman history, and was an avid member of the Lexington Civil War Roundtable.

Judge Reed's devotion to the law was exceeded only by his great devotion to his wife Sue Charles Reed, his son Geoffrey Scott Reed and grandson Gregory Scott Reed.

THEREFORE, BE IT RESOLVED that the Judicial Conference of the Sixth Circuit, this 28th day of June, 1995, pays tribute and appreciation to the memory of Judge Reed who served his county, state and nation faithfully and well.

BE IT FURTHER RESOLVED that a copy of this Resolution be preserved upon the records of this Conference and that copies be furnished to his family as a mark of sympathy and esteem.

Respectfully submitted,

Eugene E. Siler, Jr.
Circuit Judge
United States Court of Appeals
Sixth Circuit

William O. Bertelsman
Chief Judge
United States District Court
Eastern District of Kentucky

Karl S. Forester
District Judge
United States District Court
Eastern District of Kentucky

**MEMORIAL RESOLUTION
FOR
RONALD EDWARD MEREDITH
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF KENTUCKY**

It is with great sorrow that the Judges of the United States District Court for the Western District of Kentucky record the death of our esteemed colleague and friend, Chief Judge Ronald E. Meredith, on December 1, 1994.

Judge Meredith was a man of indomitable spirit and devout faith. These attributes served him well during his long battle with cancer, to which he ultimately succumbed.

Born on January 30, 1946 in Clarkson, Kentucky, Judge Meredith excelled as a youth in both sports and academics. He was an All-Conference and All-District basketball player at Elizabethtown High School, where he received the Andrew Clay Johnson, Jr. Memorial Award given to the most outstanding senior in scholarship, athletics, and attitude.

At Georgetown College, he was President of the Student Government, Men's Honor Society, Pi Kappa Alpha Fraternity, and the Young Republicans Club. In 1967, after being named Most Outstanding Man and Most Likely to Succeed, he was nominated for a Rhodes Scholarship and received his baccalaureate degree magna cum laude.

Judge Meredith served on the staffs of Kentucky Senators John Sherman Cooper and Marlow Cook and as Minority Counsel to a Senate Judiciary Subcommittee. He attended law school while working on Capitol Hill, graduating from George Washington University National Law Center in 1971.

While in Washington, Judge Meredith met and married Jody Berry. Not one to catch "Potomac fever," he moved with his family back to Elizabethtown, Kentucky in 1975, where he practiced law with the firm of Kelley & Meredith.

In 1981, Judge Meredith was appointed by President Ronald Reagan as United States Attorney for the Western District of Kentucky. He was appointed Judge of the United States District Court for the Western District of Kentucky in 1985, also by President Reagan. At the time, he was one of the country's youngest federal judges.

Judge Meredith continued his civic involvement while on the bench. He served on the Board of Trustees of the Southern Baptist Theological Seminary, and was Deacon, Sunday School teacher, and Chairman of the Deacons at his church. He served on the Board of Trustees of Georgetown College, from which he received the 1986 Alumni Achievement Award.

Among Judge Meredith's greatest strengths as a jurist was his tenacity. The litigation surrounding the expansion of the airport in Louisville is a classic example. Civic and political leaders favored the expansion, but the human cost to those forced to move from their modest homes provided a poignant counterpoint. Judge Meredith knew that settlement of the litigation was the only way to minimize the pain and avoid long,

expensive, and divisive litigation. He worked tirelessly for settlement, even having numerous meetings at his home. One group of lawyers would caucus in the dining room while another group assembled in a cottage near the main house on his property. Working the issues like a maestro, Judge Meredith extracted at long last a settlement. Lauded by the community for his efforts, Judge Meredith was typically self-effacing, insisting that his role was "very minor" and that the lawyers deserved the credit.

A physically imposing man, Judge Meredith was gentle, kind, and unfailingly cheerful. Even in the midst of his final battle with illness, he would say, "I'm drinking from the saucer," by which he acknowledged that his "cup runneth over." A devoted husband and father, Judge Meredith is survived by his wife, Jody; daughters, Kelly Marie, Jaime Kristin, and Ronee Virginia; and son, Mark Edward.

Judge Meredith's judicial philosophy might be summed up in a paraphrase of Mark Twain that he was fond of repeating: "Always do what's right. It will please some, and astonish the others."

In truth, he astonished no one by doing right. His legal and moral compasses were finely tuned. His skill as a jurist was well known and will be long remembered by all. He will be greatly missed.

THEREFORE, BE IT RESOLVED that the Fifty-Fifth Judicial Conference of the Sixth Circuit, in session at Asheville, North Carolina this 28th day of June, 1995, pays tribute and appreciation to the memory of Chief Judge Ronald Edward Meredith, who served the nation, this Circuit, and the Commonwealth of Kentucky faithfully and well.

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

Respectfully submitted,

Danny J. Boggs
United States Circuit Judge

Charles R. Simpson III
Chief United States District Judge

Edward H. Johnstone
Senior United States District Judge

Appendix

Statistical Tables of the Court of Appeals

FILINGS BY SOURCE

The table below shows the new appeals filed in recent years, indicating the number of appeals originating in each of the individual districts within the circuit.

SOURCE OF FILINGS

		1990	1991	1992	1993	1994
OHIO	Northern	570	610	649	656	672
	Southern	464	491	627	581	547
	TOTAL	1034	1101	1276	1237	1219
KENTUCKY	Eastern	349	351	350	319	334
	Western	323	285	277	287	273
	TOTAL	672	636	627	606	607
MICHIGAN	Eastern	1012	996	1198	1118	984
	Western	337	373	352	478	474
	TOTAL	1349	1369	1550	1596	1458
TENNESSEE	Eastern	360	291	330	271	288
	Middle	259	224	260	260	289
	Western	245	280	391	407	406
	TOTAL	864	795	981	938	984
Agency, Tax Court & Original Proceedings		248	292	302	346	254
TOTAL		4167	4193	4736	4723	4522

The following table presents a summary of filings in recent years, and identifies the types of cases that have comprised the court's docket during that period.

FILINGS BY CASE TYPE

	1990	1991	1992	1993	1994
TOTAL CIVIL	3053	2970	3346	3244	3252
Prisoner Petitions	1271	1365	1376	1456	1383
Civil Rights	532	501	650	606	635
Social Security	131	115	160	144	154
Diversity	463	393	443	418	403
Other Civil	656	596	717	620	677
BANKRUPTCY	102	93	108	100	105
CRIMINAL	806	929	972	1035	911
ORIG. PROCEEDINGS	42	48	45	35	37
AGENCY	164	153	265	309	217
TOTAL CASES FILED	4167	4193	4736	4723	4522

SUMMARY OF DISPOSITIONS

	1990	1991	1992	1993	1994
ORAL ARGUMENT	1649	1735	1501	1628	1611
SUMMARY DISPOSITIONS (Rule 9)	1499	1440	1468	1627	1445
VOLUNTARY DISMISSALS	339	356	364	335	267
DISMISSALS FOR WANT OF PROSECUTION	373	598	612	715	599
SETTLEMENT PROGRAM	280	231	195	326	405
OTHER	68	41	61	45	64
TOTAL	4208	4401	4201	4676	4391

