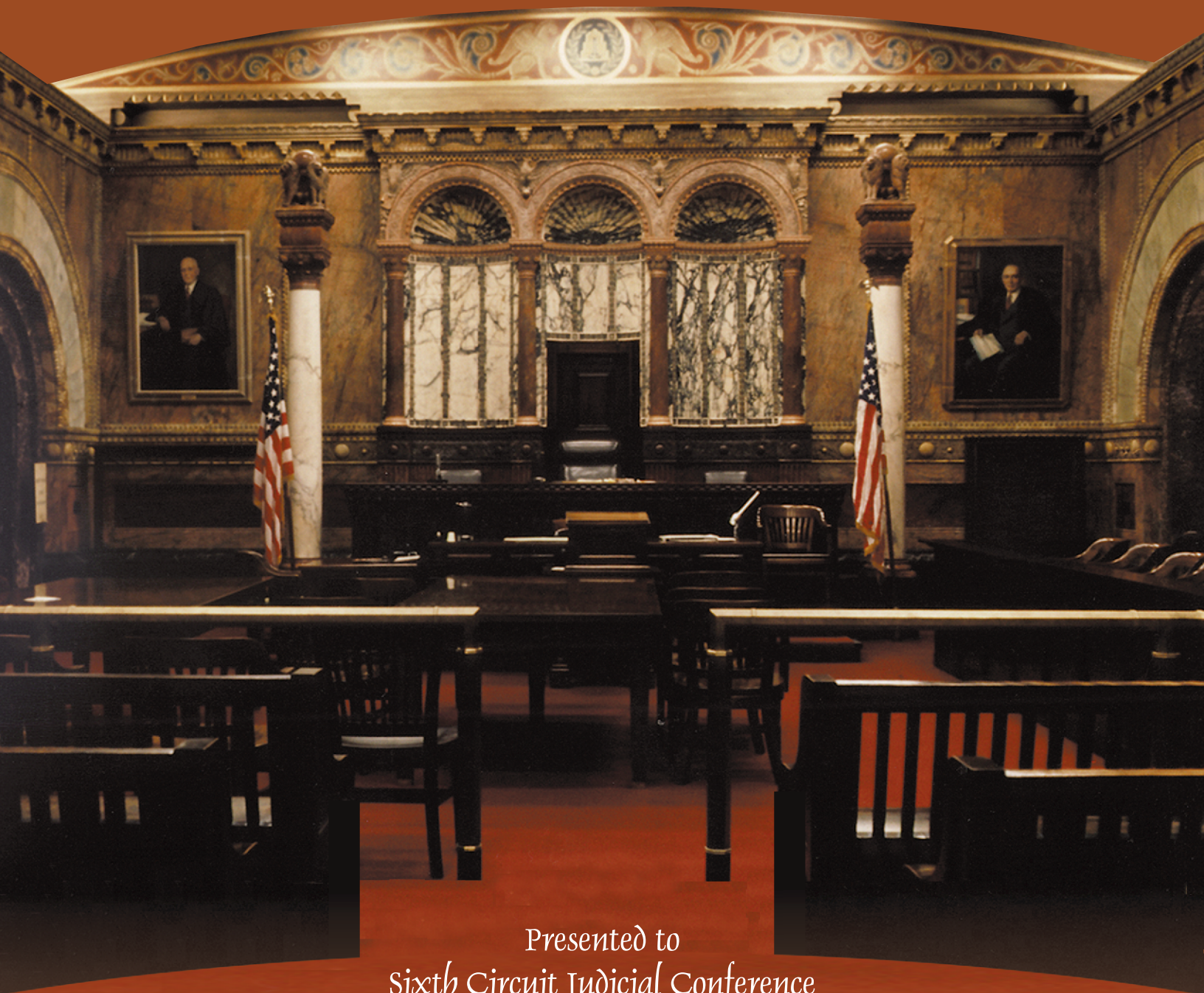
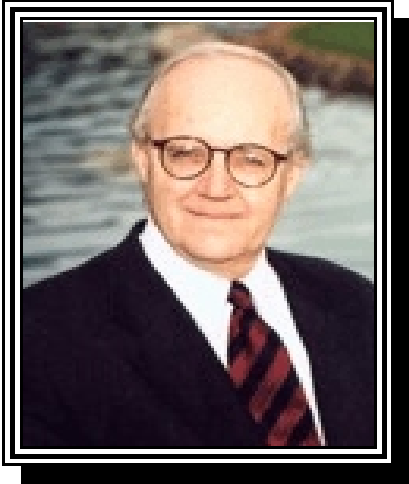


2006 Annual Report



Presented to
Sixth Circuit Judicial Conference
May 17-20, 2006
Detroit, Michigan

Danny J. Boggs
Chief Judge



A Message From the Chief Judge

Welcome

I take great pleasure in welcoming the judges, life members, delegates and open conference attendees to Detroit for the 66th Conference of the Sixth Judicial Circuit. This will be the first meeting of the Conference in Detroit since 1979, and the local judges and members of the bar have shown great enthusiasm and energy in planning the events and activities that we will enjoy during our stay in Detroit.

As always, we are indebted to the Life Members of the Sixth Circuit, Chaired by John David Cole, for all of their assistance in the planning and arrangements for this Conference. In addition to hosting the reception on Thursday evening, the Life Members have, as in the past, taken the lead role in planning the district breakout sessions on Saturday morning.

A special note of appreciation is due to Chief Judge Bernard A. Friedman of the Eastern District of Michigan and to the Eastern Michigan Chapter of the Federal Bar Association. Through the leadership of Judge Friedman and the generous

support of the Federal Bar Association, we are fortunate to have the Marching Toward Justice and Saluting a Giant exhibits on loan from the *The Damon J. Keith Collection of African American Legal History* at Wayne State University Law School. I encourage attendees of the Conference to view the exhibits located on the Fourth Floor East Foyer.

Members of the Federal Bar Chapter also have taken the lead role in providing the hospitality for this Conference, and the Eastern Michigan Chapter has provided extremely generous financial support for the Conference, including sponsorship of the opening night reception in the Wintergarden, support with the arrangements for the banquet on Friday evening, and financial support for scholarships to government attorneys and sole practitioners who might not otherwise be able to attend the Conference.

This is our circuit's fourth open conference since the Court of Appeals adopted Rule

205 in 2000. That rule calls for the regular rotation between conferences that are open to all attorneys admitted to practice in the federal courts of our circuit and judges-only conferences. We believe that the open conference format has attracted a large number of federal practitioners who had not previously experienced a circuit judicial conference.

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

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

Overview

Obtaining adequate funding for the operation of the federal courts remains one of the most important priorities of the judiciary. The Sixth Circuit continues to play a key role in the budget process. After several years of highly successful leadership as Chair of the Budget Committee of the Judicial Conference of the United States, Judge John G. Heyburn II of the Western District of Kentucky has turned that responsibility over to Judge Julia Smith Gibbons of the Sixth Circuit. Judge Gibbons serves along with Circuit

Judge David W. McKeague, who is a member of that committee.

Workload

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

Court of Appeals

- During the twelve month period ending December 31, 2005, new filings increased by 15.4 percent to 5,416 cases, with a significant part of that increase due to a growth in criminal appeals, habeas corpus cases and immigration and deportation related proceedings.
- During the same period, appeals terminated increased by 14.9 percent to 5,316 cases.

District Courts

- During the twelve month period ending September 30, 2005, circuit-wide, civil filings decreased by 6.1 percent to 25,759 cases.
- Civil terminations decreased by 9 percent in 2005.
- Criminal cases filed in the district courts increased slightly by .8 percent during 2005 to a total of

4,485 cases. Criminal terminations increased by 11.2 percent.

Bankruptcy Courts

- During the twelve month period ending September 30, 2005, the filings in the bankruptcy courts of the Sixth Circuit reached an all-time high of 281,334 cases, a 14.6 percent increase over 2004.
- During the same period, bankruptcy terminations decreased by 3.9 percent, and the number of pending bankruptcy cases increased by 19 percent to 328,832 cases.

Challenges

Circuit Vacancies. The untimely death of Circuit Judge Susan Bieke Neilson earlier this year has left the Court of Appeals with two vacancies, one of which now is over six years old and has been classified as a judicial emergency by the Judicial Conference of the United States. At the time of this writing, it is not clear when we might anticipate action on either of these two vacancies.

The persistent vacancy problem of the Court of Appeals would be greatly exacerbated were it not for the continued service of our nine senior judges who help shoulder the load for the Sixth Circuit. In addition, the district judges of the Sixth Circuit, along with a number of visiting judges from outside our circuit, have

volunteered to help out in our time of need. As a result of the generous assistance that we received along with the hard work of our own circuit judges, we have reduced in each of the last two years the average number of days that civil and criminal cases must wait for oral argument after completion of the briefing.

In Conclusion

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

JUDICIAL CONFERENCE of the UNITED STATES

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

- Formulation of the budget for the judicial branch and presentation of the budget to the Congress.
- Submission of recommendations to Congress for additional judgeships.
- Determination of the number, location and salary of magistrates.
- Submission to the Supreme Court, subject to Congressional approval, of amendments to the Federal Rules of Procedure and Evidence.

The Judicial Conference meets each year in March and September. The Conference is composed of the Chief Justice, the Chief Judge of each of the twelve geographic circuits, the Chief Judge of the Federal Circuit, the Chief Judge of the Court of International Trade, and a district judge representative from each of the twelve circuits. The district judge representative is elected by vote of the judges of the circuit he or she represents. Senior Judge William O. Bertelsman of the Eastern District of Kentucky served as the district judge representative for the first half of the current three-year term. Judge Charles R. Simpson III of the Western District of Kentucky assumed the role of district judge representative effective March 15, 2006 and will serve until September 30, 2007.

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 and establishes the spending plan which determines how the funds appropriated by Congress are spent within the judiciary.

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

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

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

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

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

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

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

Hon. Julia Smith Gibbons
Sixth Circuit
Chair, Committee on the Budget

Hon. Ronald Lee Gilman
Sixth Circuit
Committee on Federal-State Jurisdiction

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

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

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

Hon. David W. McKeague
Sixth Circuit
Committee on the Budget

Hon. Joseph H. McKinley
Western District of Kentucky
Committee on Financial Disclosure

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

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

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

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

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

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

Hon. Edmund A. Sargus
Southern District of Ohio
Committee on Judicial Security

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

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

Hon. Jeffrey S. Sutton
Sixth Circuit
Advisory Committee on Appellate Rules

JUDICIAL COUNCIL of the SIXTH CIRCUIT

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

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

Council Membership

Chief Circuit Judge Danny J. Boggs,
Chair
Circuit Judge Boyce F. Martin, Jr.
Circuit Judge Alice M. Batchelder
Circuit Judge Martha Craig Daughtrey
Circuit Judge R. Guy Cole, Jr.
Circuit Judge Julia Smith Gibbons
Circuit Judge Jeffrey S. Sutton
Circuit Judge Deborah L. Cook
Circuit Judge David W. McKeague
Circuit Judge Richard Allen Griffin
Chief District Judge Joseph M. Hood
Eastern District of Kentucky
Chief District Judge John G. Heyburn II
Western District of Kentucky
Chief District Judge Bernard A.
Friedman
Eastern District of Michigan
Chief District Judge Robert Holmes Bell
Western District of Michigan
Chief District Judge James G. Carr
Northern District of Ohio
Chief District Judge Sandra S. Beckwith
Southern District of Ohio
Chief District Judge Curtis L. Collier
Eastern District of Tennessee
Chief District Judge Todd J. Campbell
Middle District of Tennessee
Chief District Judge James D. Todd
Western District of Tennessee

Non-voting Members:

Bankruptcy Judge Marcia Parsons
Eastern District of Tennessee
Magistrate Judge Peggy P. Patterson
Eastern District of Kentucky

Investigating Committee

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

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

The allocation of judicial resources is an important council function. The council reviews and makes recommendations to the Judicial Conference of the United States and the Congress on the creation of

new circuit, district, bankruptcy and magistrate judgeships. The council also monitors the pending motions, bench trials under advisement, civil cases awaiting trial and the disposition of vouchers pending for more than 90 days filed by counsel and experts appointed under the Criminal Justice Act.

JUDICIAL CONDUCT and DISCIPLINE

The Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, as amended by the Judicial Improvements Act of 2002, Pub. L. No. 107-203, (28 U.S.C. § 351) establishes a procedure whereby any person may file a complaint of misconduct or disability against a circuit, district, bankruptcy or magistrate judge of the circuit. A complaint is submitted first to the Chief Judge of the Circuit, who may dismiss a complaint which is directly related to the merits of a decision or procedural ruling of the judge complained against or which is found to be frivolous. The Chief Judge also may close a complaint if appropriate corrective action has been taken.

If the Chief Judge cannot dispose of the complaint, it must be certified to the Special Investigating Committee of the Council. The Investigating Committee must conduct an investigation and prepare a report with recommendations for appropriate action by the Council. Actions which may be taken by the Coun-

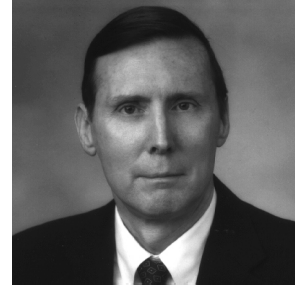
cil, if necessary, include certification of disability, request that a judge voluntarily retire, temporary suspension of case assignments, or public or private censure or reprimand.

The Sixth Circuit Judicial Council has adopted Rules Governing Complaints of Judicial Misconduct or Disability, which were most recently amended in 1992. Copies of the rules are available from the circuit executive's office or at <http://www.ca6.uscourts.gov>.

OFFICE of the CIRCUIT EXECUTIVE

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

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

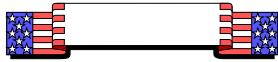


*James A. Higgins
Circuit Executive*

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

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

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



Judicial Personnel in the Sixth Circuit

Deaths

Susan Bieke Neilson. The Honorable Susan B. Neilson, United States Circuit Judge of the Sixth Circuit Court of Appeals, passed away on January 25, 2006. She was appointed to the Court on November 9, 2005. Judge Neilson was a graduate of the University of Michigan Honors College where she was elected to Phi Beta Kappa. She received her J.D. degree *cum laude* from Wayne State University School of Law and was a member of its law review. In 1990, Judge Neilson was appointed to the Third Judicial Circuit Court of Michigan and was reelected to that position twice. Prior to her appointment to the Michigan bench, she was a partner at Dickinson Wright P.L.L.C. where she specialized in products liability claims, general negligence claims, medical malpractice claims, and commercial litigation. Judge Neilson wrote numerous articles and was co-editor and author of Michigan Civil Procedure, a two-volume treatise on all areas of Michigan civil practice. She was active in numerous community service organizations, including the Catholic

Lawyers Society and Soroptimist International which she served as President. Our sincere condolences go out to her husband, Jeffrey, her two daughters, Elizabeth and Mary, and to her parents and siblings.

Bailey Brown. The Honorable Bailey Brown, retired United States Circuit Judge of the Sixth Circuit Court of Appeals, passed away on October 6, 2004 at the age of 87. He was a graduate of the University of Michigan and Harvard Law School. From 1942 to 1946 Judge Brown served as an officer in the United States Navy in the Pacific theatre and was serving in Japan at the time of its surrender. Following his military service, he returned to Memphis and joined the law firm of Burch Porter & Johnson; later Burch Porter Johnson & Brown. In 1971 President John F. Kennedy appointed him to the United States District Court for the Western District of Tennessee. His appointment to that bench was the first in twenty-one years. Judge Brown served as chief judge of the Western District of Tennessee from 1966 to 1979 when he was appointed to the Sixth Circuit Court of

Appeals. He served the Sixth Circuit as an active and senior judge until his retirement in 1997. During his tenure on the bench, Judge Brown served on numerous committees and boards and received many awards for his outstanding public service.

Robert B. Krupansky. The Honorable Robert B. Krupansky, senior United States Circuit Judge of the Sixth Circuit Court of Appeals, passed away on November 8, 2004 at the age of 83. He received his undergraduate degree from Adelbert College of Western Reserve University and his law degree from Case Western Reserve School of Law. Judge Krupansky served as a pilot in the United States Air Corps from 1942 to 1946; and he retired in 1972, as a Colonel in the United States Air Force Reserve. Following his active military service, Judge Krupansky served as an Assistant Attorney General for the State of Ohio; as a member of the Governor's Cabinet and Director of the Department of Liquor Control; as a Judge of the Court of Common Pleas for Cuyahoga County; as Executive Partner for the firm of Metzbaum, Gaines, Krupansky, Finley and Stern; and as United States Attorney for the Northern District of Ohio. In 1970 he was appointed Judge of the United States District Court for the Northern

District of Ohio and served in that position until his appointment in 1982 to the Sixth Circuit Court of Appeals. At the time of his passing, Judge Krupansky was still serving the Court in senior status. He was a member of numerous legal organizations and was a recipient of Case Western Reserve Law School's Fletcher Reed Andrews Award.

Robert M. McRae, Jr. The Honorable Robert M. McRae, Jr. passed away on June 24, 2004. A 1966 appointee to the United States District Court for the Western District of Tennessee, he served the district until his retirement in 1994. Judge McRae served as chief judge of the Western District of Tennessee from 1979 to 1986. He received his B.A. from Vanderbilt University and his LL.B. from the University of Virginia. Prior to his appointment to the federal bench, Judge McRae was in private practice from 1948 to 1964; and from 1964 to 1966, he served as Judge of the Fifteenth Judicial Circuit of Tennessee. During his tenure on the bench he served as the Sixth Circuit district judge representative to the Judicial Conference of the United States; he served on the Judicial Conference Committee on the Administration of Criminal Law; and he served as president of the District Judges Association of the Sixth Circuit. Judge

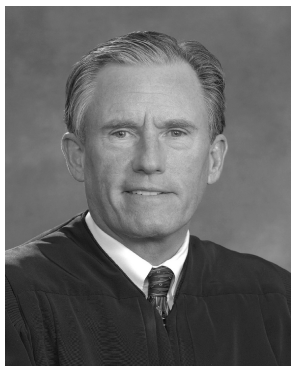
McRae was a member of the American, Memphis and Shelby County Bar Associations; and the Memphis Mid-South Chapter of the Federal Bar Association.

Odell Horton. The Honorable Odell Horton passed away on February 23, 2006. Appointed to the United States District Court for the Western District of Tennessee in 1980, he was the first black federal judge appointed since Reconstruction. He served the Court until his retirement in 1997. He served as chief judge of the district from 1987 to 1994. He was a graduate of Morehouse College, the U.S. Navy School of Journalism, and Howard University Law School. Following graduation from Law School, Judge Horton was in private practice for five years before serving six years as Assistant U. S. Attorney for the Western District of Tennessee. He served the City of Memphis as director of the Division of Hospital and Health Services; and served as Judge of the Criminal Court of Shelby County. Prior to his appointment to the District Court he served seven years as United States Bankruptcy Judge for the Western Tennessee Bankruptcy Court. Judge Horton was the recipient of numerous awards for his outstanding public service, including Distinguished Alumni Award from Howard University, and Bill of

Rights' Award from the West Tennessee ACLU. Judge Horton will be missed by all who knew him as a "kind and gentle person who wanted fairness and justice for all who came before him."

Ralph H. Kelley. The Honorable Ralph H. Kelley, United States Bankruptcy Judge for the Eastern District of Tennessee, passed away on June 24, 2004. Judge Kelley was appointed to the Bankruptcy Court in 1969 and he was still serving the Court in recall status at the time of his death. He was a graduate of the University of Tennessee, Chattanooga, and Vanderbilt University Law School. From 1946 to 1949, Judge Kelley served in the United States Air Force. Prior to his appointment to the bankruptcy bench, he was in private practice; served as an Assistant Attorney General for Hamilton County, Tennessee; a member of the Tennessee House of Representatives; and as Mayor of Chattanooga. He was a member of the American and Federal Bar Associations; American Bankruptcy Institute and the National Conference of Bankruptcy Judges.

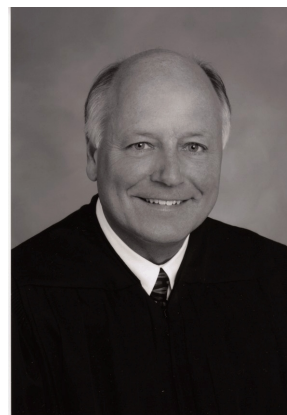
Appointments



Hon. David W. McKeague
U.S. Circuit Judge

David W. McKeague. The Honorable David W. McKeague was appointed to the United States Court of Appeals for the Sixth Circuit on June 10, 2005. Before his appointment to the Sixth Circuit, he served for thirteen years as a judge in the United States District Court, Western District of Michigan. Prior to his appointment to the bench, Judge McKeague was a senior partner and officer of the firm of Foster, Swift, Collins & Smith, PC, of Lansing, Michigan. Judge McKeague received a Bachelor of Business Administration from the University of Michigan in 1968 and his Juris Doctor from the University of Michigan in 1971. He is a founding Master and past President of the American Inns of Court, Michigan State University College of Law. He is currently a member of the Budget Committee of the Judicial

Conference of the United States and a consultant to the Federal Judicial Center Program in Dispute Resolution. He previously served as Chairman of the District Judge Education Committee for the Federal Judicial Center. Judge McKeague has been an Adjunct Professor at Michigan State University College of Law since 1998 and is a frequent lecturer for other educational programs.



Hon. Richard Allen Griffin
U.S. Circuit Judge

Richard Allen Griffin. The Honorable Richard Allen Griffin was nominated on June 26, 2002, and renominated on February 14, 2005, to fill the vacancy created by the assumption of senior status by Circuit Judge Damon J. Keith. Judge Griffin was confirmed by the United States Senate on a 95-0 roll call vote and was sworn in as a United States Circuit Judge for the Sixth Circuit on June 26, 2005. Judge Griffin received his bachelor

of arts, magna cum laude, from Western Michigan University Honors College in 1973 and received his juris doctor from the University of Michigan Law School in 1977. Judge Griffin was a founding partner of the Traverse City law firm of Read & Griffin. During his eleven years of private practice, he was engaged in an extensive trial practice. He tried cases in thirteen different counties and handled numerous appeals. He served as a court-appointed mediator in eight counties. Judge Griffin also practiced in the Federal District Court - Western District, Federal District Court - Eastern District, and the U.S. Sixth Circuit Court of Appeals. He is a former member of the Federal Judicial Selection Committee for the Western District of Michigan. In November 1988, Judge Griffin was elected to the Michigan Court of Appeals (Third District). He was reelected in November 1996 and November 2002 (Fourth District). In 1994, Judge Griffin was nominated for the Michigan Supreme Court. In all campaigns, he has never accepted contributions from political action committees. Judge Griffin is active in his community as Chief Judge, Michigan YMCA Youth in Government mock trial program; past president, Grand Traverse Zoological Society; chairman, Grand Traverse Yellow Ribbon Committee

(Desert Storm Welcome Home); former chairman, Long Lake Township Building Authority; and former ambassador, National Cherry Festival.

Senior Status

Lawrence P. Zatkoff. The Honorable Lawrence P. Zatkoff assumed senior status on June 16, 2004. Appointed to the United States District Court for the Eastern District of Michigan in 1986, he served the Court as its chief judge from 1998 until his assumption of senior status. Judge Zatkoff is a graduate of the University of Detroit and the Detroit College of Law Night School. Prior to his appointment to the bench, he served as Assistant Prosecuting Attorney, Probate Judge and Circuit Judge for Macomb County, Michigan. From 1968 to 1978 he was in private practice. From 2002 through 2004, Judge Zatkoff served as the Sixth Circuit District Judge representative to the Judicial Conference of the United States. He continues to render valuable service to the Court.

James L. Graham. The Honorable James L. Graham assumed senior status on September 1, 2004. Appointed to the United States District Court for the

Southern District of Ohio in 1986, Judge Graham served as the Court's chief judge from 2003 until his assumption of senior status. Judge Graham received his B.A. degree and J.D., *summa cum laude*, from Ohio State University and its Law School, simultaneously in June of 1962. Following graduation, he went into private practice first with the firm of Dresbach, Crabbe, Newlon & Bilger, and for a short time, he was a single practitioner. Judge Graham was then joined in his practice by Hubert C. Dutro and John C. Nemeth to form the law firm of Graham, Dutro & Nemeth which specialized in civil litigation. He served on the Ohio Board of Bar Examiners and served one year as its chairman. He also served as a member of the Development Commission of the City of Columbus from 1972 to 1977 and was its Chairman in 1976-77. Judge Graham is a fellow of the American College of Trial Lawyers and has authored several articles on subjects related to insurance law and trial practice. He has also taught classes for the Ohio Judicial College and the Ohio Legal Institute. Judge Graham continues to render valuable service to the Court.

Walter Herbert Rice. The Honorable Walter Herbert Rice, United States District Judge for the Southern District of Ohio, assumed senior status on

December 1, 2004. He is a graduate of Northwestern University and Columbia University School of Law from which he also received a Masters in Business Administration. Following graduation from law school, Judge Rice was in private practice, was an Assistant County Prosecutor for Montgomery County, Ohio and was Judge of the Montgomery County Court of Common Pleas. He was appointed to the District Court in 1980 and served as its chief judge from October 1996 to October 2003. Judge Rice has received honorary degrees from both the University of Dayton and Wright State University. He is the recipient of numerous awards including the Mark of Excellence Award from the National Forum for Black Public Administration and the "304" Big Brothers-Big Sisters Award. He is a member of the Dayton Bar Association; the Federal Judges Association; and a member of the Board of Advisers for the University of Dayton Law School. Judge Rice continues to render valuable service to the Court.

Paul R. Matia. The Honorable Paul R. Matia assumed senior status on January 1, 2005. He is a 1991 appointee to the United States District Court for the Northern District of Ohio, and served as its chief judge from 1999 until his assumption of senior status. Judge Matia is a graduate

of Case Western Reserve University where he received his B.A. degree *cum laude*. He received his J.D. degree from Harvard Law School. Following graduation, he served as law clerk to the Court of Common Pleas of Cuyahoga County, Ohio and as an Assistant Ohio Attorney General. In 1970 Judge Matia was elected to the Ohio Senate from the 25th District. After his first term as a state senator, he returned to practice law in Cleveland as a member of the firm of Hadley, Mills & Matia. In 1978 he was again elected to the Ohio Senate and served as chairman of the Senate Elections, Financial Institutions and Insurance Committee. In 1974 Judge Matia was named Outstanding Legislator by the Ohio Association for Retarded Citizens, the Ohio Education Association, and the Ohio Public Transit Association. In 1984 he was elected Judge of the Cuyahoga County Court of Common Pleas, a position he held at the time of his appointment to the federal bench. He is a member of the American Judicature Society, the Federal, Ohio State, Cleveland and Cuyahoga County Bar Associations. In 1988 he received the President's Award from the Cleveland Bar Association and the Heritage Award from the Polonia Foundation. Judge Matia retired from the bench in May of 2005.

David A. Katz. The Honorable David A. Katz, United States District Judge for the Northern District of Ohio at Toledo, assumed senior status on January 1, 2005. He is a *summa cum laude* graduate of Ohio State University College of Law where he was Associate Editor of the *Law Journal*. Following his graduation from law school, Judge Katz practiced law in Toledo with the Spengler Nathanson firm where he became a partner and then managing partner. In 1994 he was appointed United States District Judge for the Northern District of Ohio and continues to serve that Court in senior status. Judge Katz serves as a Trustee of the Toledo Symphony Orchestra; on the Boards of the Toledo Zoo Foundation and the Mercy Health System, Northwest Region. He is the recipient of numerous awards including the 2001 William K. Thomas Distinguished Jurist Award from The Ohio State Law School.

Karl S. Forester. The Honorable Karl S. Forester, United States District Judge for the Eastern District of Kentucky, assumed senior status on May 1, 2005. Appointed to the Court in 1988, Judge Forester served the district as its chief judge from 2001 until his assumption of senior status. He is a graduate of the University of Kentucky and its law school. Prior to his appointment to the Court, he was in private

practice. He is a member of the Kentucky Bar Association. Judge Forester continues to render valuable service to the Court.

Richard A. Enslen. The Honorable Richard A. Enslen, United States District Judge for the Western District of Michigan, assumed senior status on September 1, 2005. Appointed to the Court in 1979, Judge Enslen served as chief judge from 1995 to 2001. He is a graduate of Kalamazoo College, Wayne State University Law School and University of Virginia where he received his LL.M. Judge Enslen served in the United States Air Force and was released as a SSgt following Korean Conflict service. Prior to his appointment to the bench, Judge Enslen was in private practice; served as Director of the U.S. Peace Corps in Costa Rica; and served as Judge of the Michigan District Court. He co-authored, *The Constitutional Law Dictionary vol. 1, Individual Rights*, 1985; *The Constitutional Law Dictionary vol. 2, Governmental Powers*, ABC-CLIO, 1987; and *Constitutional Law Deskbook*, Lawyers Co-Operative Publishing Co., 1987. He is the recipient of numerous awards. Judge Enslen continues to render valuable

R. Allan Edgar. The Honorable R. Allan Edgar, United States District Judge for the Eastern District of Tennessee, assumed senior status on October 7, 2005. Appointed to the Court in 1985, Judge Edgar served as Chief Judge from 1998 until his assumption of senior status. He is a graduate of Davidson College and Duke University School of Law. In 1965 Judge Edgar entered active duty as a 1st Lieutenant in the United States Army; and was released as Captain in 1967 after Vietnam Conflict service. During his military service, he received the Bronze Star, National Defense Service Medal, Vietnam Campaign Medal and the Vietnam Service Medal. Prior to his appointment to the bench, Judge Edgar was an Associate and then Partner at the Chattanooga law firm of Miller and Martin. He continues to render valuable service to the Court.

Gordon J. Quist. The Honorable Gordon J. Quist, United States District Judge for the Western District of Michigan, assumed senior status on January 1, 2006. He was appointed to the Court in 1992. Judge Quist is a graduate of Michigan State University and George Washington University Law School with honors. He is a member of Order of the Coif and Phi Delta Phi. Following graduation from law school, he was in private practice with law

firms in Washington, D.C. and Chicago. Judge Quist then returned to Grand Rapids where he was a practicing attorney and then Managing Partner, with Miller, Lyndon B. Johnson, Snell and Cumiskey. He is the recipient of the Distinguished Alumni Award from George Washington University Law School. Judge Quist is a member of the American Judicature Society, and serves as Chair of the Code of Conduct Committee of the Judicial Conference of the United States. He continues to render valuable service to the Court.

Lesley Wells. The Honorable Lesley Wells serves as United States District Judge for the Northern District of Ohio. She was appointed to the Court in 1994. Judge Wells is a graduate of Chatham College, Pittsburgh, Pennsylvania, and a *cum laude* graduate of Cleveland-Marshall College of Law, Cleveland State University where she received the Book Award in Constitutional Law. Following graduation from law school, she was in private practice; Director, ABAR III Litigation Center, Cleveland State University; and Judge of the Cuyahoga County Common Pleas Court. Judge Wells is editor and author of several publications, including *ABAR III Civil Rights Litigation Manual*, 1980,

Second Edition, 1981; and author of "Legends in the Law: Judge Florence Ellinwood Allen," Cuyahoga County Bar Association, Sept./Oct. 1994, vol. 69, no. 5. She has received numerous awards, and has served on, and chaired, many professional committees and organizations. Judge Wells continues to render valuable service to the Court.

Elevations

Bernard A. Friedman. The Honorable Bernard A. Friedman became Chief Judge of the United States District Court for the Eastern District of Michigan on June 17, 2004. He succeeds the Honorable Lawrence P. Zatkoff who assumed senior status. Judge Friedman is a graduate of the Detroit Institute of Technology and the Detroit College of Law. Following his graduation from Law School, Judge Friedman was Assistant Prosecutor for the Wayne County Prosecutor's Office; in private practice from 1970 to 1982; and from 1982 to 1988 he was Judge of the Michigan District Court. Judge Friedman is the recipient of the 1985 Distinguished Service Award and the 1988 Frances R. Avadenka Award from the Oakland County Bar Association. In 1986 he was named Person of the Year by

Eccentric newspapers. He is a member of the Michigan and Oakland County Bar Associations.

Sandra S. Beckwith. The Honorable Sandra S. Beckwith became the Chief Judge of the United States District Court for the Southern District of Ohio on September 1, 2004. She is the first woman to hold this position in the Southern District of Ohio. Judge Beckwith succeeds the Honorable James L. Graham who assumed senior status. She is a graduate of the University of Cincinnati McMicken College of Arts and Sciences and the University of Cincinnati College of Law. Following graduation, she joined her father and practiced law in Harrison, Ohio. She was the firm's trial lawyer and handled all the firm's litigation cases. In 1976 she was appointed to the Hamilton County municipal bench and the next year she became the first woman ever elected to that bench. In 1986 Judge Beckwith was the first woman elected to the Hamilton County Court of Common Pleas, Division of Domestic Relations. In 1989 she was appointed to a vacancy on the Hamilton County Board of Commissioners and returned to the practice of law with the Cincinnati firm of Graydon, Head & Ritchey. Judge Beckwith was the first woman appointed

to the Hamilton County Board of Commissioners, serving as the first woman president of that Board in 1990. She was appointed to the District Court on February 10, 1992 and was sworn into office by the Honorable Carl B. Rubin on February 21, 1992. Judge Beckwith is a member of the Sixth Circuit District Judges Association having served as its president in 1998-1999. She is active in professional and community organizations serving on the Boards of the Cincinnati Chapter of the Red Cross and Tender Mercies. Judge Beckwith's remarkable career, becoming the first woman elected judge of the Hamilton County Municipal Court; the first woman elected judge of the Hamilton County Common Pleas Court, Domestic Relations Division; the first woman elected to the Hamilton County Board of Commissioners; and the first woman federal judge of the United States District Court for the Southern District of Ohio, earned her a place in the Ohio Women's Hall of Fame in 1995.

James G. Carr. The Honorable James G. Carr became Chief Judge of the United States District Court for the Northern District of Ohio on January 1, 2005. Judge Carr is a *magna cum laude*, Phi Beta Kappa graduate of Kenyon College in Gambier, Ohio. From 1962 to

1963 he attended the University of Freiburg, West Germany; and in 1966 he graduated from Harvard Law School. Following graduation, Judge Carr became an associate with the Chicago law firm of Gardner, Carton, Douglas, Chilgren & Waud. From 1968 to 1970, he worked as a staff attorney with the Cook County Legal Assistance Foundation; and in 1970, he became Professor of Law at the University of Toledo College of Law. In 1979 Judge Carr was appointed United States Magistrate Judge for the Northern District of Ohio at Toledo, a position he held until his appointment to the district court bench in 1994. He has written extensively on such subjects as electronic surveillance; juvenile law; criminal procedure; and family law. Judge Carr is a member of the Toledo and Ohio State Bar Associations; from 1975 to 1983 he was founder and board member of the Family and Child Abuse Prevention Center; from 1991 to the present, he was a member of the Pretrial Services Resource Center; and from 1995 to 1999 he served on the Jury Initiatives Task Force. Since 2002 Judge Carr has served as Chair of the Sixth Circuit Judicial Conference Planning Committee.

Joseph M. Hood. The Honorable Joseph M. Hood became Chief Judge of

the United States District Court for the Eastern District of Kentucky on May 2, 2005 succeeding the Honorable Karl S. Forester who assumed senior status. He is a graduate of the University of Kentucky where he did graduate studies in the Department of Economics and served as a graduate teaching assistant. Judge Hood then served in the U.S. Army where he was an infantry commander in Viet Nam and was released from active duty as a Captain. Following his military service Judge Hood attended and graduated from the University of Kentucky College of Law. Prior to his appointment to the District Court bench, he served as law clerk to United States District Judge David Hermansdorfer; and served for fourteen years as United States Magistrate Judge for the Eastern District of Kentucky. In 1999 Judge Hood received the Outstanding Judge Award from the Kentucky Bar Association. He is a member of the Committee on Financial Disclosure of the Judicial Conference of the United States; the Federal Judges Association; and the Sixth Circuit District Judges Association of which he is a past president.

Todd J. Campbell. The Honorable Todd J. Campbell became Chief Judge of the United States District Court for the Middle District of Tennessee on August 1, 2005. He succeeds Judge Robert L. Echols

who served the District as it's chief judge from 1998 to 2005. Judge Campbell was appointed to the Court in 1995. He is a *cum laude* graduate of Vanderbilt University, and a high honors graduate of the University of Tennessee Law School where he was Order of the Coif and on the *Law Review*. Following graduation from law school, Judge Campbell was in private practice; served as Counsel to the Vice President of the United States; and then returned to private practice with the Nashville law firm of Doramus and Trauger.

Curtis Collier. The Honorable Curtis Collier became Chief Judge of the United States District Court for the Eastern District of Tennessee on October 8, 2006. He succeeds Judge R. Allan Edgar who assumed senior status. Judge Collier is a graduate of Tennessee State University and Duke University Law School. Following graduation from Law School, Judge Collier entered active duty as Capt, U.S. Air Force; released as Capt in 1979 after service in the Judge Advocate General's Corps. He served in the USAF Reserve as Lt. Col. At the time of his appointment, he was Assistant United States Attorney for the Eastern District of Tennessee. Judge Collier received several military awards and commendations

including the USAF Meritorious Service Medal. In 1995 he received the Distinguished Alumni Award from Tennessee State University.

United States District Courts

Appointments

Michael H. Watson. The Honorable Michael H. Watson was appointed United States District Judge for the Southern District of Ohio at Columbus on October 1, 2004. He succeeds the Honorable James L. Graham who assumed senior status on September 1, 2004. Judge Watson served three years in the United States Air Force and six years in the Ohio National Guard. Following his military service he received his B.A. degree from Ohio State University and his J.D. degree from Capital University School of Law. Prior to his appointment to the District Court, Judge Watson served as Chief Legal Counsel to Ohio Governor George Voinovich; as Judge on the Franklin County Common Pleas Court; and as Judge on the Tenth District Court of Appeals in Franklin County, Ohio. He is a member of the Columbus and Ohio State Bar Associations; and recently completed a term as a member of the Alvis House, Inc. Board of Trustees.

Christopher A. Boyko. Prior to becoming a federal judge, Christopher Boyko served on the Common Pleas bench for Cuyahoga County following his appointment by then Governor Voinovich in January 1996. He won election in 1996 and re-election in 1998 and 2004. Before taking the Common Pleas bench, Judge Boyko served as a Parma Municipal Court Judge, Parma Law Director, Chief Prosecutor and Assistant Prosecutor. He also maintained a general practice for 16 years. In addition to memberships in numerous professional and civic organizations, Judge Boyko has lectured to the Federal Bureau of Investigation and hosted “Sidebar,” a show on Cox Cable which presents people and issues which affect the law in our community. An avid supporter of the “Cops and Kids” program, Judge Boyko was also a member of, and legal advisor to, the Parma Police SWAT Team and was Chief Legal Counsel to the Southwest Enforcement Bureau. On July 22, 2004 Judge Boyko was nominated by President Bush for the United States District Court for the Northern District of Ohio. The U.S. Senate confirmed the nomination on November 21, 2004. On January 4, 2005 he was sworn in as United States District Judge for the Northern District of Ohio. He succeeds United

States District Judge Paul R. Matia who took senior status on January 1, 2005.



Hon. Harry S. Mattice, Jr.
U.S. District Judge

Harry S. Mattice, Jr. The Honorable Harry S. (Sandy) Mattice was appointed United States District Judge for the Eastern District of Tennessee by President Bush on November 18, 2005. The Eastern District is the largest federal judicial district in Tennessee and serves approximately 2.5 million citizens. Prior to his appointment to the judiciary, Judge Mattice served as the United States Attorney for the Eastern District of Tennessee. In that capacity, he was responsible for representing the United States’ legal interests and for prosecuting federal criminal violations throughout the District’s 41 counties, which extend from Johnson County in northeastern Tennessee to Lincoln County in the middle of the state. Prior to assuming office as U.S. Attorney, Judge Mattice was a shareholder with Baker, Donelson, Bearman &

Caldwell in Chattanooga and before that a partner with Miller & Martin, also in Chattanooga. He was engaged in the general practice of law, with an emphasis in business investigations and litigation, including securities, tax, regulatory and white collar crime. In 1997, at the request of Senator Fred Thompson, Judge Mattice served as Senior Counsel to the U.S. Senate Committee on Governmental Affairs' Special Investigation, and conducted nationally-televized hearings on alleged illegal and improper activities in connection with the 1996 federal election campaigns. Judge Mattice received his B.S. in 1976 from the University of Tennessee at Chattanooga and his J.D. in 1981 from the University of Tennessee at Knoxville. While in law school, he served as Student Materials Editor for the *Tennessee Law Review* and was elected to Phi Kappa Phi and the Order of the Coif.

Gregory F. Van Tatenhove. The Honorable Gregory F. Van Tatenhove was nominated by President George W. Bush on September 13, 2005, and confirmed by the United States Senate as United States District Judge for the Eastern District of Kentucky on December 21, 2005. Prior to his appointment to the Court, Judge Van Tatenhove served as the United States Attorney for the Eastern District of



***Hon. Gregory F.
Van Tatenhove
U.S. District Judge***

Kentucky. A 1982 graduate of Asbury College, Judge Van Tatenhove received a degree in history. He received his Juris Doctor from the University of Kentucky College of Law in 1989, and was admitted to practice in the Commonwealth of Kentucky in 1990. Upon graduation, Judge Van Tatenhove was law clerk to then Chief United States District Judge Eugene E. Siler, Jr., who is now a senior judge on the United States Court of Appeals for the Sixth Circuit. After his clerkship, Judge Van Tatenhove spent nearly four years as a trial attorney for the U.S. Department of Justice under the Attorney General's Honors Program. In 1991, he received a Special Achievement Award in recognition of his meritorious service there. Upon completing his service with the Department of Justice, Judge Van Tatenhove served from 1994 to 2001 as Chief of Staff and Legal Counsel to Congressman Ron Lewis. In addition, he spent two years on Capitol Hill as a Legislative Assistant to United States Senator Mitch McConnell.

United States Bankruptcy Courts

Appointments



*Hon. Kay Woods
U.S. Bankruptcy Judge*

Kay Woods. The Honorable Kay Woods was appointed United States Bankruptcy Judge for the Northern District of Ohio at Youngstown on July 7, 2004. She succeeds the Honorable William T. Bodoh who retired. Judge Woods is a *magna cum laude* graduate of Bowling Green State University with a B.S. in Education. She is a *summa cum laude* graduate of the Ohio State University College of Law where she was Order of the Coif. Following her graduation from law school, Judge Woods was an associate in the litigation department of the Cleveland office of the Jones Day law firm. At the time of her appointment, she was Associate General Counsel for LTV Steel Company, Inc. in Cleveland. Judge Woods has a corporate generalist

background and has handled numerous areas of responsibility. LTV's two Chapter 11 bankruptcy filings – the first in 1986 and the second in 2000 – gave her extensive experience with bankruptcy issues. Judge Woods is a member of the American, Ohio and Cleveland Bar Associations. She serves on the Advisory Board of In Counsel With Women; and she served on the Advisory Board for Convention 2000 of the Federal Bar Association. In 2002 Northern Ohio Live named her one of the “500 Most Influential Women in Northeast Ohio.”



*Hon. C. Kathryn Preston
U.S. Bankruptcy Judge*

C. Kathryn (“Kaycie”) Preston. Appointment to the bankruptcy bench on October 11, 2005 was the realization of a career goal for C. Kathryn Preston, the newest bankruptcy judge for the Southern District of Ohio. Judge Preston filled the vacancy created by Judge Barbara Sellers’ retirement in October. Judge Preston earned her bachelor’s degree in history from Stetson University, Deland, Florida,

and subsequently, graduated from Stetson University College of Law, St. Petersburg. Following graduation, she served as bankruptcy clerk to the Honorable Alexander L. Paskay, then Chief Bankruptcy Judge for the Middle District of Florida, followed by several years with the boutique bankruptcy firm of Stichter and Riedel, PA, Tampa, Florida. Upon relocating to Columbus, Ohio in 1989, Judge Preston returned to the service with the Court, clerking for the Honorable Donald E. Calhoun, Jr. At the time of her appointment to the bench, Judge Preston was practicing law in the legal department of The Huntington National Bank, where she had been for 14 years, including three years managing the commercial loans workout department. Judge Preston has been active with the Columbus Bar Association, Women Lawyers of Franklin County, American Bankruptcy Institute, Big Brothers/Big Sisters of Franklin County [Ohio], and Delta Delta Delta Fraternity. She also is or has been a member of IWIRC, Ohio Women's Bar Association, Ohio State Bar Association, The Florida Bar, American Bar Association, and is a frequent community volunteer.

Elevations

Jo Ann C. Stevenson. The Honorable Jo Ann C. Stevenson became Chief Judge of the United States Bankruptcy Court for the Western District of Michigan on March 1, 2005. Appointed to the bankruptcy court in 1987, she is presently serving her second 14-year term. Judge Stevenson is a graduate of Douglass College, Rutgers University, and a *cum laude* graduate of Detroit College of Law. Following graduation from law school, Judge Stevenson served as a law clerk to Judge Vincent J. Brennan of the Michigan Court of Appeals and to Judge Cornelia G. Kennedy of the Sixth Circuit Court of Appeals. At the time of her appointment she was an attorney with the Detroit law firm of Hertzberg, Jacob and Weingarten. She is a member of American Bar Association; the Western Michigan Chapter of the Federal Bar Association; the Grand Rapids Bar Association; and the Women Lawyers Association of Michigan.

Joan Lloyd Cooper. The Honorable Joan Lloyd Cooper became Chief Judge of the United States Bankruptcy Court for the Western District of Kentucky on January 1, 2006. She succeeds Judge David T. Stosberg who completed his term as Chief Judge on December 31, 2006. Judge

Cooper was appointed to the Court on December 21, 1999. She is a graduate of the University of Kentucky with a B.A. in Communications with high distinction, and the University of Louisville Law School. Following law school she was in private practice with the Louisville law firms of Lloyd & McDaniel and Wyatt Tarrant & Combs. Judge Cooper is a Certified Bankruptcy Specialist. Her publications include “Recent Supreme Court Cases Affecting the Bankruptcy Practitioner,” *Louisville Bar Association Journal*, Summer 1988; and “Partnerships and Partners in Bankruptcy - Section 8 of Kentucky Partnership Law,” *UK/CLE Handbook*, with Duncan and Wyrick, 1996. She is a member of the Louisville, Kentucky, and District of Columbia Bar Associations, and a member of the American Bankruptcy Institute.

J. Vincent Aug, Jr. The Honorable J. Vincent Aug, Jr. became Chief Judge of the United States Bankruptcy Court for the Southern District of Ohio on May 1, 2006. He succeeds Judge Thomas Waldron who completed his term as Chief Judge. Judge Aug is serving his second 14-year term. He is a graduate of Georgetown University and the University of Cincinnati College of Law. Judge Aug has served in the Peace Corps in Kenya, East Africa; as a

reporter for the *Cincinnati (Oh) Post*; a staff attorney for the Judicial Panel on Multidistrict Litigation in Washington, D.C.; and as United States Magistrate Judge for the Southern District of Ohio. Judge Aug is also Chief Judge of the Sixth Circuit Bankruptcy Appellate Panel. He is a past president of the Cincinnati Chapter of the Federal Bar Association; and served on the faculty of the Federal Judicial Center from 1983 to 1988.

Retirement

Barbara J. Sellers. The Honorable Barbara J. Sellers, United States Bankruptcy Judge for the Southern District of Ohio, retired on October 10, 2006. Judge Sellers was appointed to the Court in 1986, and was serving her second 14-year term at the time of her retirement. She is a *cum laude* graduate of Ohio State University and a *magna cum laude* graduate of Capital University Law School where she was the recipient of numerous prizes. Judge Sellers is a member of Phi Beta Kappa. Following law school, she clerked for United States Bankruptcy Judge Robert J. Sidman, was in private practice; clerked for United States Bankruptcy Judge Thomas M. Herbert; and was an associate at Baker & Hostetler in Columbus at the time of her appointment.

United States Magistrate Judges

Appointments



*Hon. Susan Kerr Lee
U.S. Magistrate Judge*

Susan Kerr Lee. The Honorable Susan Kerr Lee was sworn in as United States Magistrate Judge for the Eastern District of Tennessee at Chattanooga on July 12, 2004 after being appointed to a newly authorized magistrate judge position. Judge Lee graduated *cum laude* from the University of Georgia with a dual J.D./M.B.A. degree. Prior to her appointment, she was a director at the law firm of Grant, Konvalinka & Harrison in Chattanooga, Tennessee.

Dave Whalin. The Honorable Dave Whalin was sworn in as United States Magistrate Judge for the Western District of Kentucky on July 26, 2004. He succeeds the Honorable C. Cleveland Gambill who retired on January 2, 2004. Judge Whalin



*Hon. Dave Whalin
U.S. Magistrate Judge*

received a B.S. with honors from the University of Louisville. He received his J.D. from the University of Louisville Brandeis School of Law in 1985. Prior to his appointment to the bench, Judge Whalin completed a 20-year law enforcement career, followed by twelve years in private practice as a partner in the Louisville law firm of Landrum & Shouse.



*Hon. Timothy S. Black
U.S. Magistrate Judge*

Timothy S. Black. The Honorable Timothy S. Black was appointed United States Magistrate Judge for the Southern District of Ohio, Western Division (Cincinnati) on May 1, 2004 to succeed the

Honorable Jack Sherman, Jr. who has retired. Judge Black is a graduate of Harvard University and Northern Kentucky University's Salmon P. Chase College of Law. He served for ten years as Judge of the Hamilton County Municipal Court and for ten years as a civil litigator with the Cincinnati law firm of Graydon, Head & Ritchey.

Judicial Workload in the Sixth Circuit

Workload in the District Courts

The total workload of the district courts decreased in 2005 with civil filings decreasing by 6 percent while criminal filings increased by slightly under 1 percent. Terminations of civil cases also decreased while criminal terminations increased by over 11 percent. Both the number of pending civil and criminal cases increased.

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

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

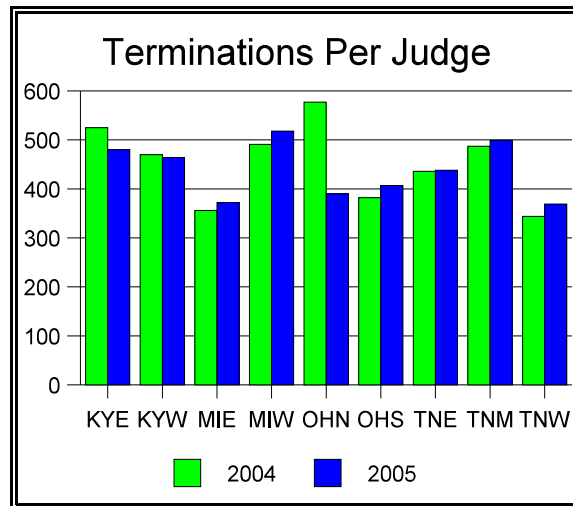


Figure 2

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

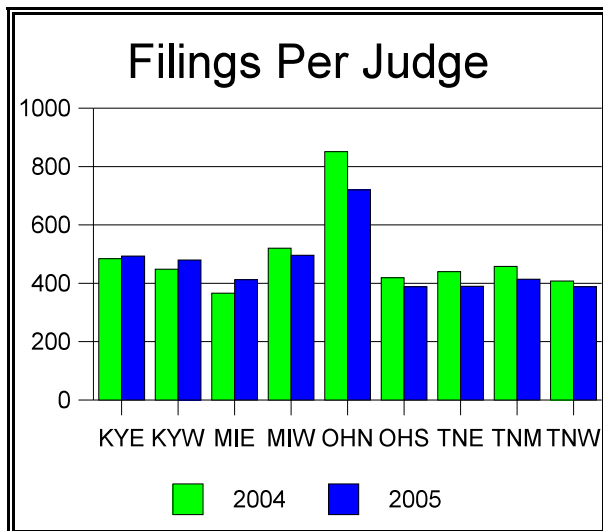


Figure 1

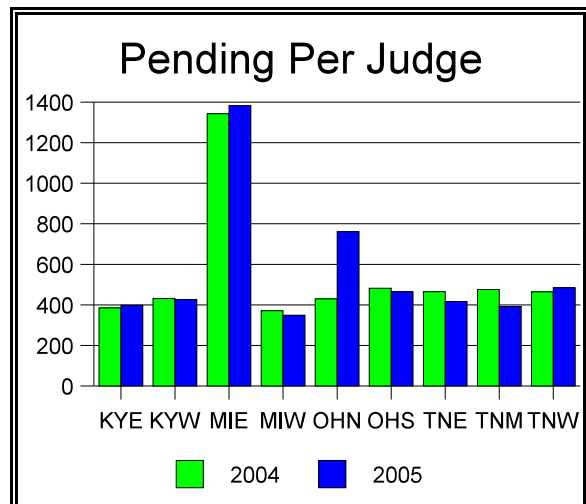


Figure 3

Disposition Times. Figure 4 shows the median time in months from filing to disposition for civil cases for each of the district courts in the Sixth Circuit for fiscal years 2004 and 2005.

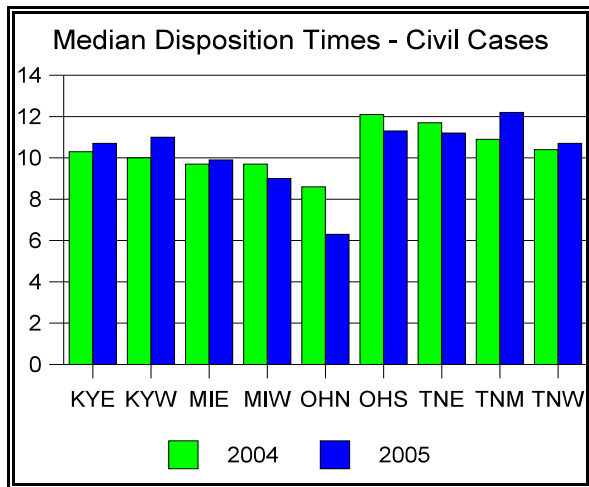


Figure 4

Workload in the Bankruptcy Courts

Filings in the bankruptcy courts in the Sixth Circuit increased by over 14 percent in 2005 to a total of more than 281,000 cases.

Figure 5 shows the total bankruptcy filings per judge for each of the bankruptcy courts in the Sixth Circuit.

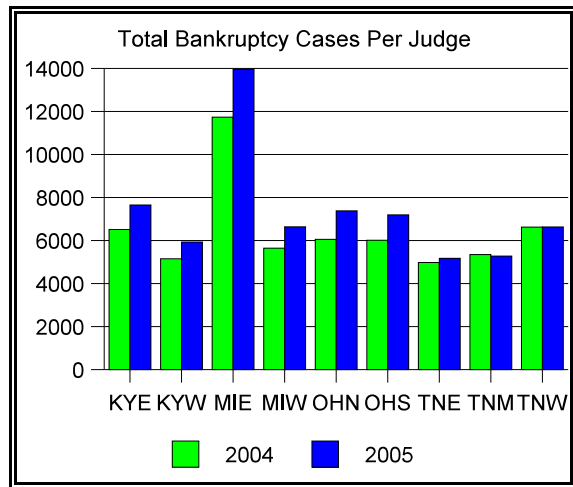
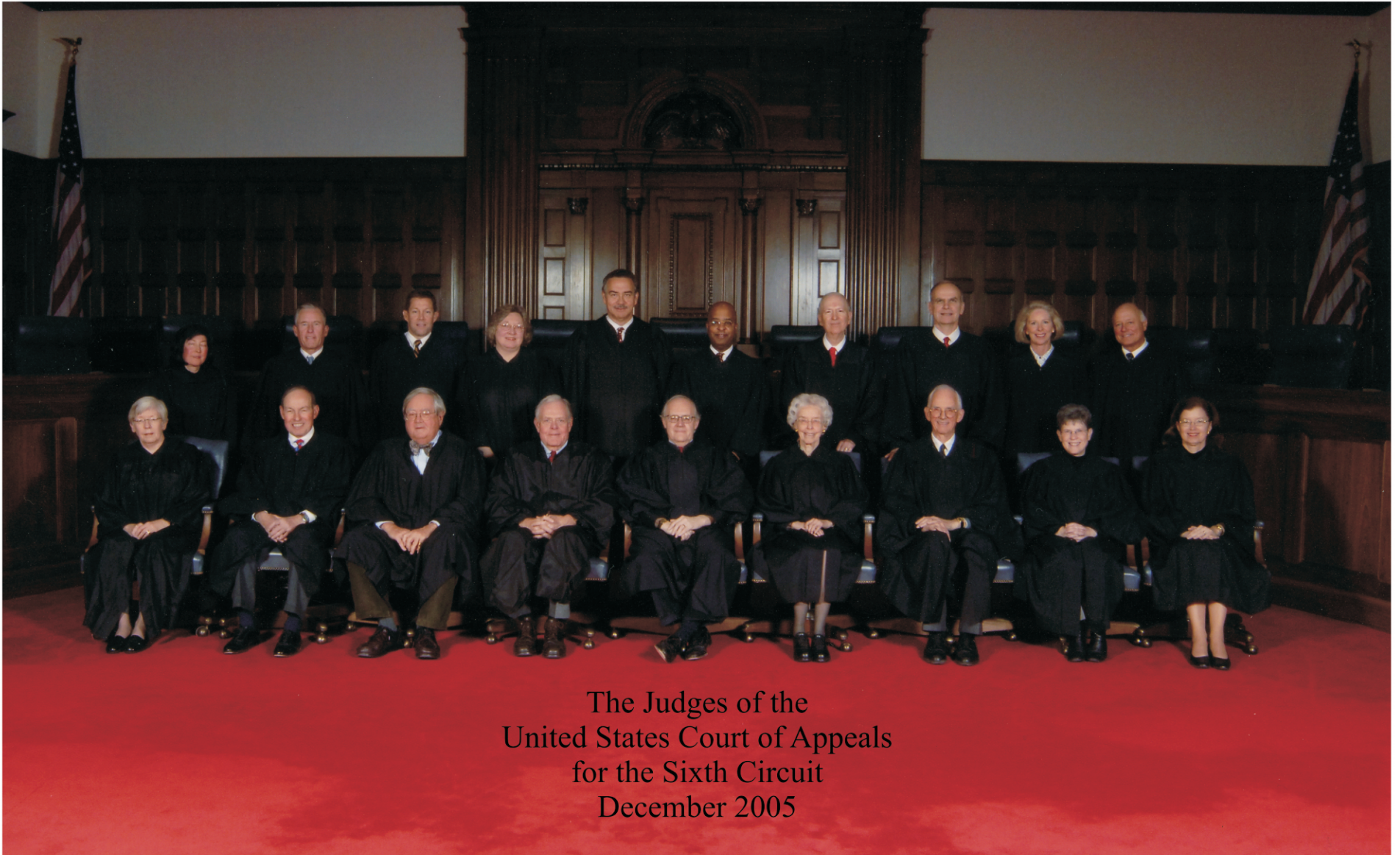


Figure 5

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



The Judges of the
United States Court of Appeals
for the Sixth Circuit
December 2005

OFFICE OF THE CLERK
Leonard Green, Clerk

Although new case filings reached an unprecedented level in 2005, a correspondingly high number of case dispositions resulted in the backlog of cases heading toward the oral argument calendar remaining at a low level not seen for several of years.



Leonard Green, Clerk

During 2005 new case filings reached 5416, an increase of 15.4% over the preceding year (in which filings had taken an unexpected 7% drop); case dispositions, at 5316, were up 14.9% over the 2004 level. These figures are not, however, as alarming as they might seem, when considered in the context of the last five years. Although the 2005 level of filings is indeed a high water mark, it is

approximately where filings would have been had they drifted upwards during each of the last five years at an historically modest annual rate of 1.65%. Similarly, 2005's level of dispositions is the highest annual total yet. The excess of filings over dispositions, however, is unlikely to lead to any docket distortion.

The charts below look at filings and case dispositions for the past three years, breaking them down into the major case categories:

FILINGS AND DISPOSITIONS BY CASE TYPE
FILINGS

	<u>2003</u>	<u>2004</u>	<u>2005</u>	increase/decrease from 2004, <u>by %</u>
Federal Question	742	628	629	—
Diversity	381	357	320	[-10.4]
Criminal	938	1075	1370	+ 27.4
Civil Rights	575	544	575	+ 5.7
Civil Rights (prisoner)	459	402	418	+ 4.0
Habeas Corpus	978	766	982	+ 28.2
Agency	390	345	400	+ 15.9
Social Security	108	77	55	[-28.6]
NLRB	40	42	66	+ 57.1
Bankruptcy	77	83	61	[-26.5]
Tax Court	12	11	24	+118.2
Original Proceeding	50	61	55	[-9.8]
Original Proceeding (prisoner)	53	42	48	+ 14.3
2 nd /Successive Habeas	244	260	413	+ 58.8
	<u>5047</u>	<u>4693</u>	<u>5416</u>	<u>+15.4</u>

Much of the increase in criminal filings is undoubtedly attributable to *United States v. Booker*, __ U.S. __, 125 S.Ct. 738 (2005). The habeas corpus (including §§ 2241, 2254, and 2255 cases) docket increased

significantly as well, both in appeals and in applications for leave to file second and successive petitions. The immigration docket continues apace, with petitions to review having increased after a dip in 2004.

DISPOSITIONS

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>% Change</u>
Federal Question	690	688	674	[- 4.0]
Diversity	313	339	371	+ 9.4
Criminal	904	892	1218	+ 36.5
Civil Rights	562	576	612	+ 6.3
Civil Rights (prisoner)	434	392	426	+ 7.3
Habeas Corpus	985	790	889	+ 12.5
Agency	215	351	434	+ 20.9
Social Security	81	90	84	[-10.6]
NLRB	55	37	45	+ 21.6
Bankruptcy	81	66	78	+ 18.2
Tax Court	15	11	14	+ 27.3
Original Proceeding	58	62	59	[- 4.8]
Original Proceeding (prisoner)	55	51	44	[-13.7]
2 nd /Successive Habeas	<u>258</u>	<u>283</u>	<u>368</u>	<u>+ 26.0</u>
	4706	4628	5416	+ 14.9

The Oral Argument Docket

During the course of 2005 the court convened 214 panels on the regular argument calendar, supplemented by 10 telephonic panels, 20 panels which met to hear argument in death penalty cases, and 23 other panels which met specially to hear single cases. Collectively these panels offered a slight increase in dispositional opportunities over the previous year. In addition to the regular oral argument docket the court convened ten telephonic panels, to which a total of 107 cases were argued or submitted on the briefs.

By continuing to convene as many hearing panels as the available judge power will allow the court has reduced significantly the time a case must wait until it finds a place on the calendar.

The court's oral argument calendar for 2006 is structured to convene 220 regular and 10 telephonic argument panels, affording marginally more dispositional opportunities than in 2005. For the last two years cases have progressed through the completion of the briefing process, thus becoming ripe for assignment to a calendar, at a rate which exceeds by only a slim margin the number of calendar slots

available. Assuming that this pace of maturation holds throughout 2006, the hearing calendar should absorb those cases becoming ripe for oral argument and then some; absent a significant increase in the level of new filings the court's backlog should not grow significantly and, with luck, might even shrink more.

Electronic Case Filing (ECF)

The clerk's office is busily engaged in the laborious process of planning for the implementation of ECF to complete the national developmental cycle which has in recent years made electronic filing the common coin in district and bankruptcy courts around the nation. The product of this massive effort, which combines the expertise of court staff and representatives of the Administrative Office of the U.S. Courts, is now in the hands of the individual circuit courts, to tailor to reflect local rules, procedures, and practice. Although it is still premature to project exactly when the Sixth Circuit will go "live" on ECF, it looks likely that that will occur in mid-2007.

the court's own Internal Operating Procedures are understood and complied with. The local rules and procedures are evolving bodies of direction which owe much of their vitality to the Attorney Advisory Committee, a body charged with bringing the perspectives of the practicing bar to the court's consideration of matters of rule and procedure. The court is indebted to the members of the Advisory Committee for their invaluable assistance.

The clerk's office continues to provide technical, administrative, and logistical support to the Sixth Circuit Bankruptcy Appellate Panel, as it has since that tribunal came into being in 1997.

The office is committed to providing service of the highest level to the court and those who come before it, and always welcomes suggestions on how it can better serve the court, the bar, and the litigating public. More information about the court and the clerk's office can be found at its website, www.ca6.uscourts.gov.

In order to provide an environment in which appeals move smoothly through the preliminary stages and on to submission on the merits to a panel of three judges, the clerk's office works closely with attorneys, district courts, court reporters, and other necessary parties to ensure that the federal and local rules and

OFFICE OF THE STAFF ATTORNEYS

Tim Schroeder
Senior Staff Attorney

Staff attorneys were first employed by the Sixth Circuit in 1971, when three attorneys were hired for newly-budgeted positions in the Clerk's Office. In 1976, the court appointed its first Senior Staff Attorney and created the Office of the Staff Attorneys as a separate entity, both administratively and operationally, from the other support offices of the court. The Circuit's original Senior Staff Attorney, Kenneth A. Howe, Jr., retired in 2005, after 29 years of service to the Court. Mr. Howe was not only responsible for the evolution and continued success of the Sixth Circuit's Office of the Staff Attorneys, but was a valuable resource and mentor and to other senior staff attorneys and management staff throughout the Circuits for many years. He is missed by his staff in Cincinnati and his colleagues across the country.

The Office of the Staff Attorneys and all of its personnel are centrally located in Cincinnati. The Senior Staff Attorney is responsible for the personnel, administrative, and operational activities of the office. The office has two supervisory and nineteen line staff attorneys, most of them with career tenure. Individual staff attorneys have brought a widely diversified legal background to the office, coming to the court from private practice, judges'



Tim Schroeder
Senior Staff Attorney

chambers, other appellate courts, federal agencies, legal aid offices, or straight from law school. Currently, the tenure of the attorneys ranges from one to twenty-five years, with the largest number in the middle range of six to fifteen years' experience. The office is supported by an administrative manager and five administrative staff.

In 2005, the Court selected a new Senior Staff Attorney, Tim Schroeder, to replace Ken Howe. Mr. Schroeder comes to the Sixth Circuit with more than fifteen years' experience in the federal courts, including ten years as a supervisory staff attorney in the Eleventh Circuit Court of Appeals, and a five year term as the Chief Deputy Clerk in the United States District Court for the Southern District of Florida. Before his career with the courts, Mr. Schroeder represented death-sentenced inmates in

capital post-conviction proceedings in Florida and Georgia.

The Office of the Staff Attorneys provides various legal support services to the court. Its primary mission is to assist the court in processing all *pro se* appeals that, under the criteria set forth in Sixth Circuit Rule 34(j) and Fed. R. App. P. 34, do not require oral argument. These appeals, which are mainly prisoner-related, have over the last five years averaged over 40% of all new appeals filed in this circuit. Those cases that are shown, via the initial staff attorney screening process, to fall within one of the aforementioned criteria are assigned to individual staff attorneys for record review, research, and preparation of a comprehensive legal memorandum which recommends a disposition to the Court. The office also performs the same function in counseled appeals in which both parties waive oral argument pursuant to Fed. R. App. Pro. 34(a)(1). These latter cases may involve any subject matter or cause of action that is cognizable on appeal. Last year, the staff attorneys referred a total of 1092 such cases to panels for disposition without oral argument.

The staff attorneys' involvement in *pro se* appeals starts as soon as the notice of appeal is filed, when the office's jurisdictional expert screens the case to determine whether appellate jurisdiction properly lies. In addition to all *pro se* appeals, this staff attorney

screens all appeals involving prisoners' post-conviction challenges to their convictions and/or sentence, whether or not the prisoner has counsel. Jurisdictional problems discovered at this initial screening stage are addressed before the appeal proceeds, when show cause orders are issued and the screening attorney prepares a comprehensive legal memoranda for the Court. Last year, 255 memoranda identifying jurisdictional issues and recommending dismissal before briefing were submitted to motions panels.

The Office of the Staff Attorneys plays an important role in habeas corpus and related cases, reviewing, processing, and presenting written recommendations in all applications for a certificate of appealability, whether filed *pro se* or by counsel. These are dispositive motions, as the appeal cannot proceed without a certificate of appealability. Last year, the office submitted 773 memoranda to the court in such cases. The staff attorney plays the same role in cases where an inmate seeks permission to file a second or successive habeas corpus petition or motion to vacate in the district court. These cases are original proceedings, as the inmate must first receive authorization from the court of appeals before he may proceed in the district court. The staff attorneys office reviewed and prepared comprehensive legal memoranda in 180 such cases last year.

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

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

OFFICE OF THE CIRCUIT MEDIATORS

FOR CASES CLOSED IN 2005

Total Cases Mediated	845
Total No. Settled*	354
Overall Settlement Rate	42%
Bap Cases Mediated	48
No. Settled	29
Settlement Rate	60%
Cases Referred by Hearing Panels	3
No. Settled	1
Settlement Rate	33%
Cases with In-Person Conferences**	23
No. Settled	11
Settlement Rate	48%



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

OBJECTIVES

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

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

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

CASE SELECTION

Most of the Sixth Circuit appeals chosen for mediation conferences are selected randomly from the pool of cases considered most amenable to mediation, although party requests for mediation of almost any case are usually granted. The pool of “amenable” cases includes all fully counseled civil cases except prisoner and tax cases and most federal agency (such as NLRB and Social Security) cases. Conferences typically are not scheduled in Sixth Circuit or BAP appeals with pending motions, show cause orders, or apparent jurisdictional problems.

TELEPHONE OR IN-PERSON CONFERENCES

The great majority of initial conferences are conducted by telephone because phone conferences are much easier and more economical for counsel and their clients to attend. Based on indications from lawyers of preferences for face-to-face conferences, the program has been scheduling more in-person conferences. In cases where all counsel work within 50 miles or so of Cincinnati, in-person conferences now are routine. As shown above, the settlement rate for these in-person conferences is higher than for telephone conferences.

THE MEDIATORS

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

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

IMPACT

The 354 settlements in 2005 account for 22% of all filings in the categories of cases regularly mediated (Federal Question, Diversity, Civil Rights and Bankruptcy) and 20% of all dispositions of those types of cases.

The number of cases mediated and settled was lower in 2005 than in past years. This is due in part to reduced filings in the types of cases considered most amenable to mediation, most notably diversity and bankruptcy cases. In light of these reductions, the office is reviewing its practice of routinely excluding all agency cases. Another factor was the absence of the Chief Circuit Mediator for three months. The Sixth Circuit released Mr. Rack to help the India Supreme Court design and implement India’s first judicial mediation program. During this time, 18 district (trial) court judges in Delhi were trained and began mediating one day per week, a mediation center with six conference rooms was constructed and staffed within the courthouse, and a

computerized data collection and evaluation program was initiated.

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

Robert W. Rack, Jr.
Chief Circuit Mediator

Annual U.S. Courts Libraries Report: 2005

***by Kathy Joyce Welker
Circuit Librarian***

Our U.S. Courts Libraries serve equally all of the federal courts and all court employees within the Sixth Circuit as well as members of the practicing federal bar. We seek to supply excellent research support services at each of our ten library sites and via online services offered through the internal website of the federal courts or an Internet site accessible by the general public.

Policy is set for the libraries by the Sixth Circuit Judicial Council Library Committee whose membership is drawn from the ranks of both Circuit Judges and District Judges. Policies adopted since 2003 include the approval of the “U.S. Courts Library News Service Editorial



***Kathy Joyce Welker
Circuit Librarian***

Guidelines,” restrictions on the number of copies of the new edition of The Bluebook: A Uniform System of Citation to be purchased for book collections within the circuits, and defined limitations on the content of the online History of the Sixth Circuit that will be made available to the public via the Internet. This committee

continues to monitor how library funds are distributed in support of the various book collections within the circuit including those located in staffed libraries, in judges's collections and in other court offices and has set in place a mechanism to limit expenditures whenever insufficient funding is provided to continue the spending levels currently maintained. These limits would be based upon the "Collection Development Policy and Implementation Plan" adopted by the committee in 2001.

In 2004, the libraries developed a "Strategic Plan" that was presented to the Library Committee for review. Throughout 2004 and 2005, large parts of this plan have been implemented. Working through committees on which all of the librarians served, new services were developed, new methods of sharing and promoting information about library services were designed, and evaluations (including user surveys) of how effective these efforts have been were developed and used to better refine the quality of services provided.

Under the strategic plan, more emphasis was placed on the provision of online resources at the desktop of every court employee with access to the court's internal data network (via both the library website and via the online library catalog). As a result, the proportion of expenditures between what is being spent on print research support materials versus online electronic sources is gradually changing. In previous years these annual reports have

listed out new electronic sources added but such a detailed enumeration is no longer possible. Rather, some representative categories of newly added materials include multi-volume legal treatises, legal newspapers, daily newspapers, state jury instructions, legislative history materials and materials specifically devoted to Sixth Circuit law and practice.

Another category of newer online support services includes the daily distribution of the "Around the Circuit" news service and the monthly distribution of the Librar-E-Briefs newsletter. "Around the Circuit" is a selective collection of news articles published about all of the courts within the circuit and national news about the federal courts. Nine librarians throughout the circuit work together to produce this product tailored to the interests and needs of our readers. The main target audience for the Librar-E-Briefs electronic newsletter is law clerks in all of the courts. Five librarians work together to produce this product that is devoted to a different topic each month (e.g. the sentencing guidelines, court history, federal rules, and the Supreme Court). Included in each issue are helpful search strategies, a "What's New" section, tips on sources (both print and non-print) and a "Not Necessarily the Law" section that includes topics not specifically related to legal research but that may be of interest to the target audience. Both of these specialized new services reach a very large audience. 792 court personnel receive the news service daily and 554 court personnel receive the newsletter monthly.

Another category of online services provided by the libraries are CALR services (i.e. both LEXIS and WESTLAW). Specific attention has been devoted to designing a more relevant training curriculum for our judiciary users and working with Judges to insure that these services do not post inappropriate private information via the Internet. Focus has also been placed on introducing users of these services to enhancements made on a regular basis – many of which are only available when accessing westlaw.com or lexis.com. Accessing via software installed on judiciary computers does not allow users to benefit from the full range of enhancements being added. Therefore, in the future, librarians will be working with users to help them convert to the .com versions of these services. The library will be offering conversion classes to help make the transition to the web easier.

Another specialized area of research support is provided by Rita Wallace, the Court Archivist and Historian, located in the Cincinnati library. In addition to the ongoing work of writing and updating both the Intranet and Internet version of the circuit history, Ms. Wallace has served the court in many ways. Some examples include developing historical exhibits for the courthouse, supporting the work of historians writing about any of the courts within the circuit, providing research support for Judges who are delivering speeches, and consulting with various historical societies within and outside the judiciary.

Libraries are only as good as the library staff that provides the research support services. Key to a good library system is the service of dedicated, competent and imaginative librarians. In 2004, two of our long-time and experienced librarians (Linda Smith, Detroit Satellite Librarian, and Barbara Zimmerman, Memphis Satellite Librarian) retired. While they (and their expertise) have been missed, we are very pleased to have added to our staff two new librarians who are already proving to be great additions to our librarian ranks. These new librarians are Molly McCluer, Memphis Satellite Librarian, and Deborah Williams, Detroit Satellite Librarian. We have already benefitted from their work experiences in other library settings and from the wide range of skills and competencies that they have brought to our libraries.

OFFICE OF INFORMATION TECHNOLOGY

William M. Eggemeier
Assistant Circuit Executive

Michael Nagel
Systems Manager

Michael Davison
Data Network Administrator

Michael Babcock
Telecommunications Manager

The Office of Information Technology provides training and support for the office automation and technology needs of the judges and staff of the U.S. Court of Appeals for the Sixth Circuit. In addition, the office maintains the automated case management system for the court. This system is used to manage the court's docket, track cases, help prepare the oral argument calendar, and provide information on cases to the judges, court staff, the lower court, the bar and the public. The Office of Information Technology also coordinates IT and telecommunications activities with the district, bankruptcy, probation and pretrial offices within the Sixth Circuit.

The Office of Information Technology maintains the court's website on the Internet. The site has docket information, published opinions, oral argument calendar, local rules and operating procedures, and a variety of status reports on appellate cases. The site also contains a number of appellate forms

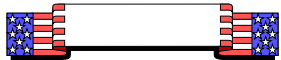


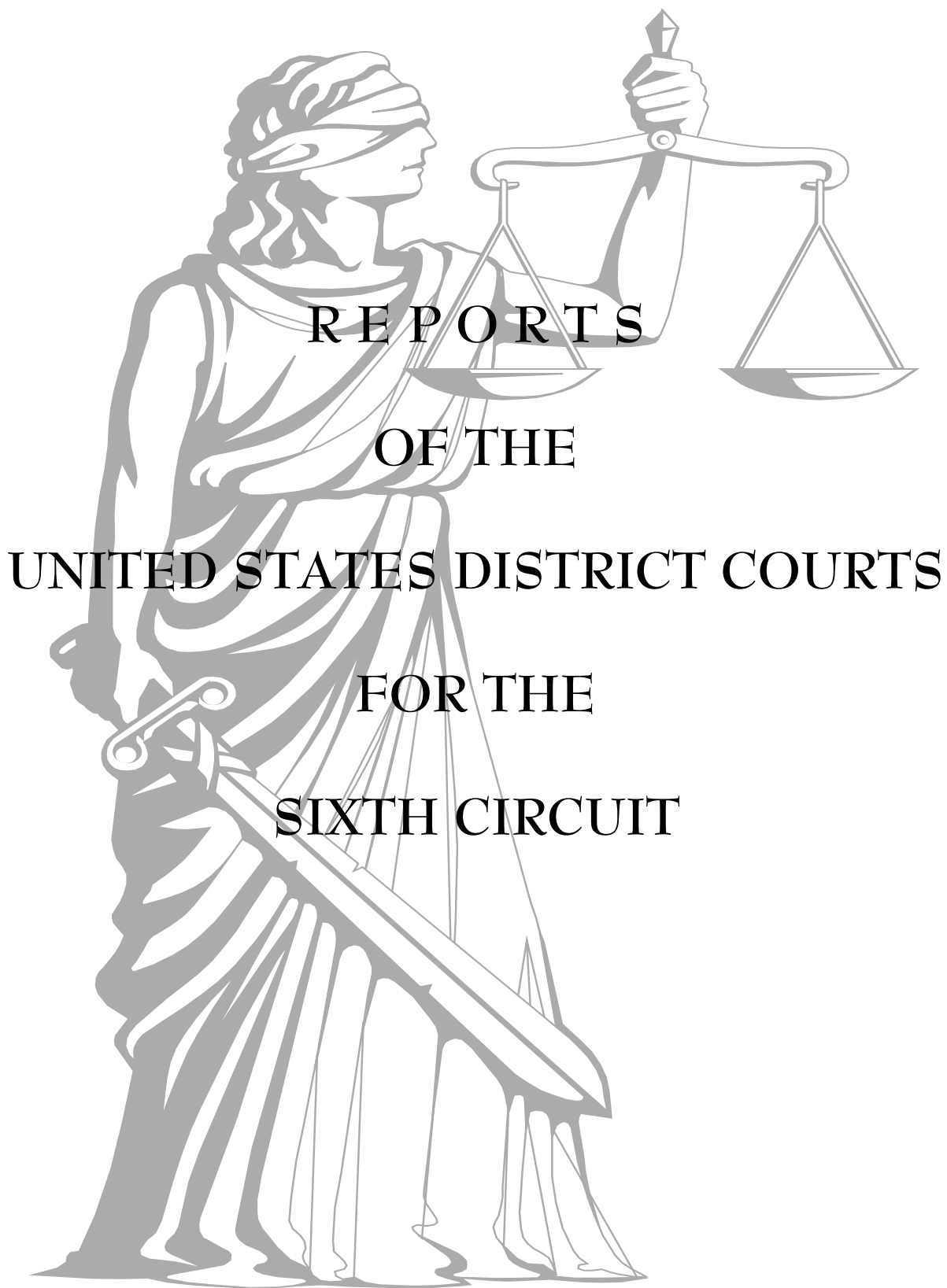
William M. Eggemeier
Assistant Circuit Executive
for Information Technology

(e.g., *Notice of Appeal, Attorney Admission, Transcript Purchase Order* and forms associated with CJA appointments). There is other information relating to the Sixth Circuit Judicial Council, Circuit Executive Office (e.g., pattern jury instructions, bankruptcy judge selection procedures, and information about the circuit judicial conference) and Circuit Mediation Office on the site. The Internet address for the Sixth Circuit's website is www.ca6.uscourts.gov. With the exception of the court's docket information, there is no fee charged for viewing information. The docket information is available on the site as part

of PACER. PACER is a public access service of the federal judiciary that allows users to obtain case and docket information from federal appellate, district and bankruptcy courts. There is a per page charge for PACER information and you must have an account with the PACER Service Center before PACER information is available to you. To find out how to get a PACER account, visit the PACER Service Center on the Internet at: www.pacer.psc.uscourts.gov.

The Office of Information Technology is currently working on the appellate version of the CM/ECF system. This system will be similar to the ones already in operation the district and bankruptcy courts in the circuit. Like those systems, the appellate version will allow for electronic filing. The system should be in operation sometime in 2007.





REPORTS
OF THE
UNITED STATES DISTRICT COURTS
FOR THE
SIXTH CIRCUIT

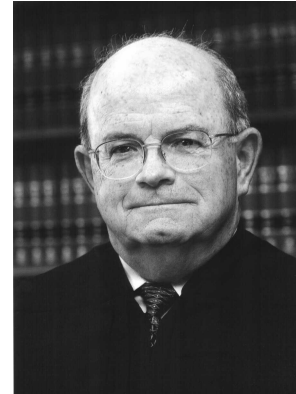
UNITED STATES DISTRICT
COURT
EASTERN DISTRICT OF
KENTUCKY

2006 ANNUAL REPORT

COURT PERSONNEL

The district has six active District Judges (the sixth judgeship is shared with the Western District) plus four Senior District Judges. Four of our six jury divisions of the Court have a full-time U. S. Magistrate Judge. There are three full-time Pro Se Law Clerks, 43 employees in the Clerk's Office and 57 employees in the Probation Division. When compared with staffing levels for 2003, the Clerk's Office employs five fewer persons and the Probation Division employs two fewer employees. Chief Judge Joseph M. Hood became Chief Judge in May, 2005.

The newest District Judge, Gregory Frederick Van Tatenhove, replaces Judge Karl S. Forester who took senior status in May, 2005. Judge Van Tatenhove was confirmed on December 21, 2005, and took the oath of office on January 6, 2006. Judge Van Tatenhove is a graduate of Asbury College and the University of Kentucky College of Law. After serving as a law clerk to then District Judge, Eugene E. Siler, Jr., he served as a trial attorney for the United States Department of Justice, Chief of Staff and Legal Counsel for Congressman Ron Lewis; and



*Hon. Joseph M. Hood
Chief Judge*

from 2001 until assuming his judgeship, as United State Attorney for the Eastern District of Kentucky. His duty station is Pikeville.

There is at least one active or senior District Judge with a duty station in each of the six divisions of the Court.

U. S. Magistrate Judge Peggy P. Patterson has announced her retirement effective August 24, 2006. She will be replaced, subject to the required FBI and IRS investigations, by Edward Boatwright Atkins, a Pikeville private practitioner. Mr. Atkins is a graduate of the University of Kentucky College of Law. He will perform Magistrate Judge duties at both Ashland and Pikeville.

U. S. Magistrate Judge J. B. Johnson has announced his retirement effective on August 31, 2006. He will be replaced, subject to the required FBI and IRS investigations, by Robert Earl Wier, a Lexington private practitioner. Mr. Weir is a graduate of the University of Kentucky College of Law. He will perform Magistrate Judge duties at London.

filed in 2005 has substantially increased compared to 2004 filings. Appended are exhibits A, B and C showing caseloads for the last 10 years.

Respectfully submitted,

Joseph M. Hood
Chief Judge

INFORMATION TECHNOLOGY

Effective September 1, 2006, the District Court for the Eastern and Western Districts of Kentucky in a joint project under uniform local rules for Kentucky, will require electronic case filing under the provisions of a jointly adopted operations manual. The Eastern District has been chosen as a pilot court for the Jury Management Systems's migration to Linux.

Early in 2006, the Court will have completed its project to have at least one courtroom at each of its six courthouses with automation of evidence presentation.

CASE FILINGS

The District has one of the highest rates of filings of Social Security cases in the United States. The rate of civil actions being filed has fallen in 2005 to 1996 levels. The rate of criminal actions being

UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY
SCHEDULE OF CRIMINAL AND CIVIL CASES 1995-2005

Criminal Cases

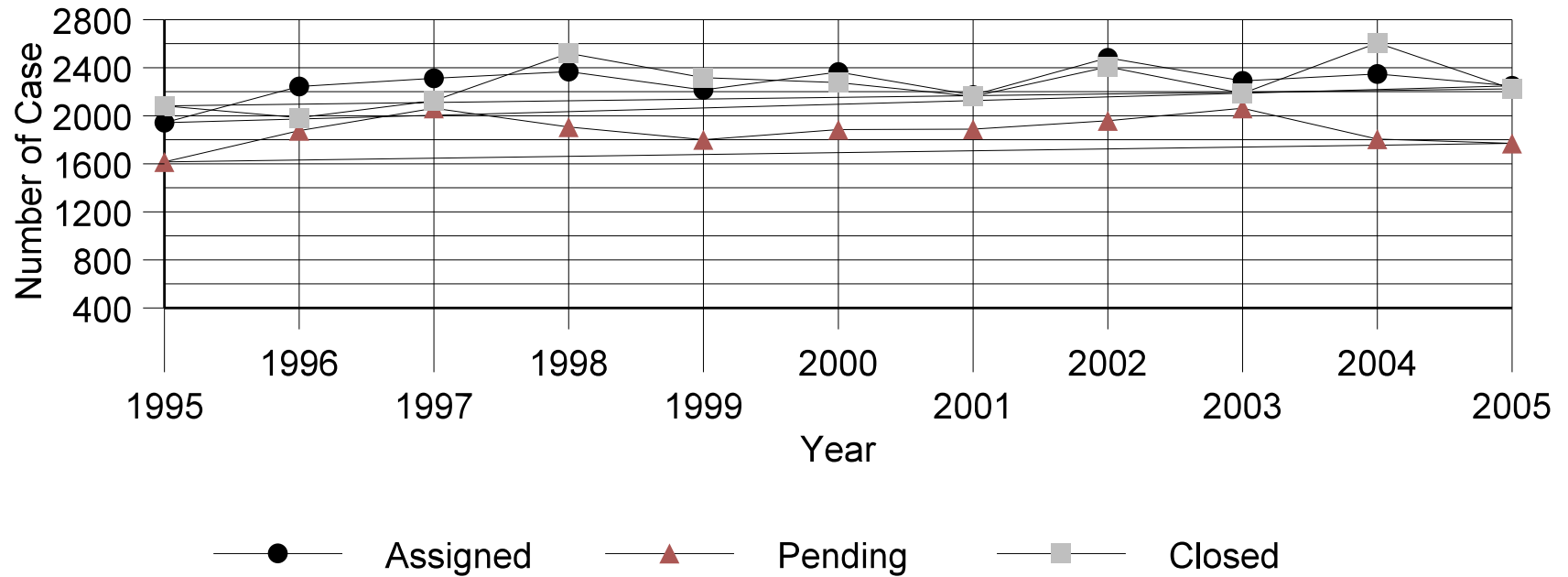
Year	Assigned	Pending	Closed
1995	309	190	300
1996	311	211	290
1997	344	223	310
1998	407	281	351
1999	408	276	411
2000	507	278	438
2001	416	260	432
2002	383	268	378
2003	387	242	403
2004	347	239	497
2005	439	285	392

Civil Cases

Year	Assigned	Pending	Closed
1995	1943	1616	2083
1996	2244	1876	1984
1997	2313	2063	2125
1998	2367	1907	2521
1999	2215	1801	2318
2000	2365	1886	2276
2001	2172	1889	2162
2002	2482	1953	2408
2003	2290	2063	2187
2004	2348	1807	2606
2005	2249	1771	2224

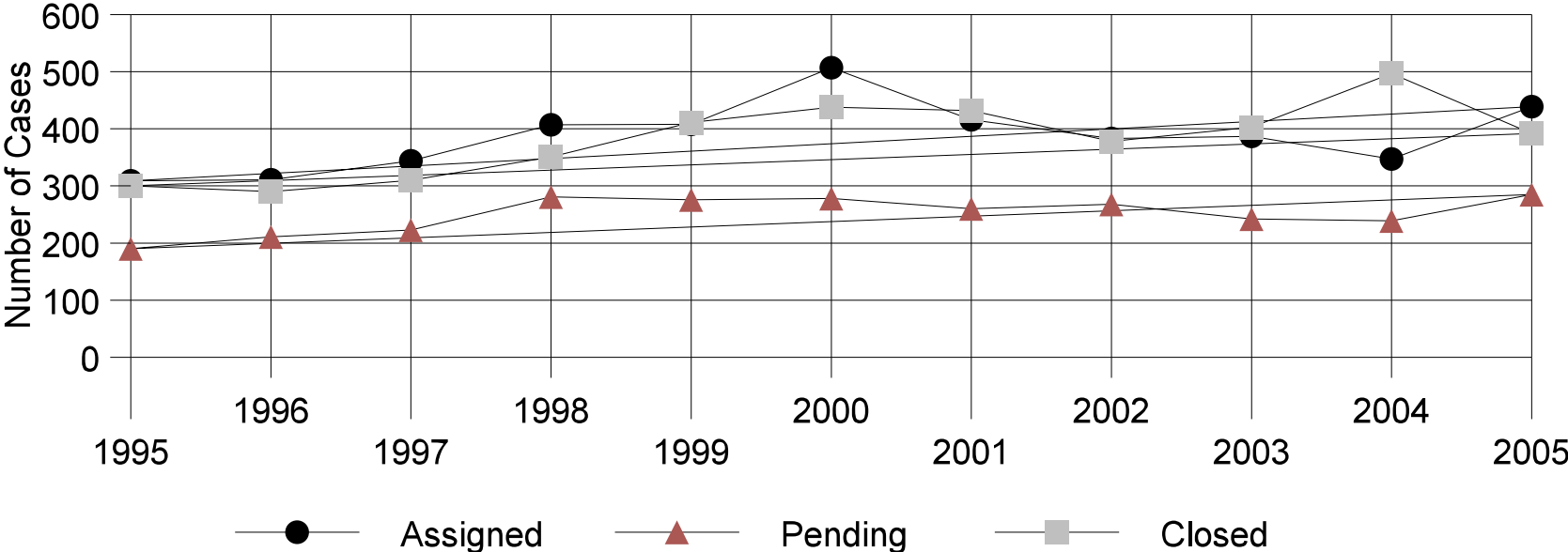
U.S. District Court, E.D., KY

Civil Case Statistics 1995 - 2005



U.S. District Court, E.D., KY

Criminal Case Statistics 1995 - 2005



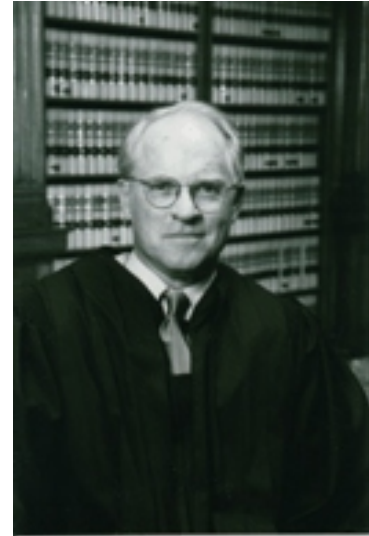
**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
ANNUAL REPORT
2006**

The United States District Court for the Western District of Kentucky is fortunate to have dedicated, collegial members of the bench, bar and court units working together to achieve our mission of administering justice under the law.

Change with progress continues, even when viewed in the context of having lost several employees with valuable experience.

PERSONNEL CHANGES

There have been significant changes in court staff over the last two years. A new magistrate judge, Dave Whalin, was sworn in on July 26, 2004 to replace Cleveland Gambill. Magistrate Judge Whalin practiced twelve years with Landrum & Shouse and served as Assistant Chief of Police for Jefferson County for 20 years. The clerk's office experienced significant change over the same period. Chief Deputy Bill Clark, Operations Manager Barbara Cravens and several other important staff members retired as part of the buyout/early out program to reduce court salaries. Also, Vanessa Armstrong, a former staff attorney with our court with several years in state government, is the newly appointed Chief Deputy.



*Hon. John G. Heyburn II
Chief Judge*

RESTORATION PROJECTS

Courtroom restoration projects proceed in all divisions of the district. Judge Russell's and Judge Johnstone's courtrooms in Paducah have been historically restored and equipped with the latest electronic presentation equipment. Judge McKinley's courtroom in Owensboro and our courtroom in Bowling Green are also being historically renovated and will have electronic presentation equipment installed as well. A second courtroom in Louisville is also scheduled to have electronic presentation equipment installed.

In addition to restoring existing space, we are constantly reviewing space needs in order to reduce rent in this time of budget concern. We agreed to defer the construction of a new courthouse in Bowling Green and a new courtroom in Louisville.

OUTREACH PROGRAMS

The court continues to engage in the outreach programs in the local community and with the international community. In cooperation with the Jefferson County (Louisville) Board of Education, Chief Judge Heyburn initiated a program called “Judges in the Classrooms” that consisted of 26 state and federal judges attend 21 public high schools and address over 1,000 students on one day about the role of the judges, the Bill of Rights provisions regarding search and seizure and the role of citizens in the courts.

Judge Simpson and Judge Russell sponsored delegations of judges from the Ukraine and Russia in Louisville and Paducah in cooperation with the “Open World” program. We have hosted judicial delegations for nine years and are proud of the improvements in judicial independence and court operating environments that result when judges return to their country. For example, several of President Putin’s appointees have been to Western Kentucky and we have learned that he is very aware of the new opinions judges have of judicial reform considerations in Russia.

CM/ECF

With the exception of pro se cases, all cases and pleadings filed in the Western District of Kentucky will be required to be filed electronically on September 1, 2006. We are also very proud of the cooperation and leadership the Eastern District of Kentucky has exhibited in ensuring that our policy approach to implementing ECF in Kentucky is uniform. All administrative orders are jointly entered by both districts. In addition, our users’ manuals are the same. We also continue to appreciate the efforts of Doug McSwain and the Joint Local Rules Committee for their assistance in informing attorneys of these changes and are sensitive to their views.

CONTINUED OPERATIONS PLANNING

Meetings are ongoing regard continued operations planning. As a result of hurricane Katrina’s affect on the Eastern District of Louisiana, legislative changes have enabled us to assess options of holding court in other districts. In addition, we have realized how dependant we are on automation services and have contracted to access a reserve generator in the event of a power outage.

U. S. PROBATION OFFICE

The U. S. Probation Office for the Western District of Kentucky has experienced the impact of both a reduction in numbers created by reduced filing and the impact of cost containment. In the preceding three fiscal years, our office experienced a steady decline in pretrial

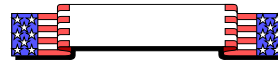
cases received. Specifically, in FY 2004, we received 281 cases, which was down from the 364 cases received the preceding fiscal year. We are, however, happy to note that in FY 2005 an upward trend in these numbers has begun with 357 cases received.

As one might expect, pretrial cases received eventually become presentence reports and then supervision cases. Presently, however, all cases from a fiscal year perspective continue to show a decline from 315 presentence reports completed in FY 04 to 271 presentence reports completed in FY 05. While our supervision numbers have as a rule remained relatively steady, we did show a reduction from 666 cases in FY 04 to 577 cases in FY 05.

In an attempt to balance the reduction in numbers and correlating reduction in funding, we have been proactive. We would point out the continued commitment and refinement of PACTS, and the continued effort to give employees the best available technology. We would also make note of the placement of video conference capabilities in each office, which is both a cost and time saver for the staff and district. The vision statement for the staff in this district is

“Commitment, Pride and Professional Excellence In All That We Do.” Given what has been asked of this group, they are truly reflective of this statement. We remain confident that what we do matters.

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



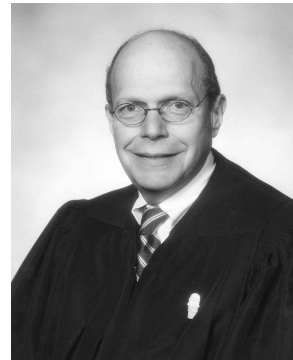
**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

2004/2005 BIENNIAL REPORT

Court Ceremonies

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

- ◆ On June 18, 2004, a ceremony was held commemorating the “passing of the gavel” from former Chief Judge Lawrence P. Zatkoff to current Chief Judge Bernard A. Friedman. The ceremony was the first session of Court held in the new Special Proceedings Courtroom.
- ◆ On October 20, 2004, the Court and the Federal Bar Association welcomed Major General William K. Suter, U.S. Army (Ret.), Clerk of the United States Supreme Court, to preside over a Supreme Court Swearing-In Ceremony. At this ceremony, 77 attorneys were sworn in to practice before the U.S. Supreme Court.
- ◆ On August 19, 2005, a special session of Court was held to present the portrait of Sixth Circuit Judge Richard F. Suhrheinrich to the District Court. Judge Suhrheinrich was a District Court Judge in the Eastern District of Michigan from 1984 until 1990, when he was elevated to the Sixth Circuit Court of Appeals. Judge



*Hon. Bernard A. Friedman
Chief Judge*

Suhrheinrich’s portrait hangs in Courtroom 858 of the Theodore Levin U.S. Courthouse in Detroit.

- ◆ On September 15, 2005, the Eastern District of Michigan’s U.S. Attorney, Stephen J. Murphy, III, had a formal investiture ceremony. Mr. Murphy was sworn in as the Eastern District of Michigan’s U.S. Attorney on March 8, 2005.

Judicial Officers

In March 2004, Bankruptcy Judge Steven W. Rhodes was reappointed Chief Judge of the Bankruptcy Court for a one-year period beginning April 25, 2004, and ending April 24, 2005. In 2005, he was again reappointed for an additional one-year term through April 24, 2006.

On January 6, 2004, Mona K. Majzoub was appointed United States Magistrate Judge for the Eastern District of Michigan.

Her eight-year term will expire on January 5, 2012. Magistrate Judge Majzoub filled the vacancy created by the retirement of Magistrate Judge Thomas Carlson on October 3, 2003.

Former Chief Judge Lawrence P. Zatkoff took senior status effective June 16, 2004. In his letter to President George Bush, he informed him that he intended to “continue to render substantial judicial service as a senior judge.” Judge Zatkoff has officially moved to the historic Port Huron Courthouse.

On August 13, 2004, Senior United States District Judge George E. Woods became an “inactive” senior judge. Judge Woods has been on the Eastern District of Michigan bench since November 1983.

On April 4, 2005, Judges John Corbett O’Meara and Marianne O. Battani switched duty stations. Judge O’Meara is now assigned to hear cases at the Ann Arbor Courthouse while Judge Battani is hearing cases at the Detroit Courthouse.

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

The Eastern District of Michigan bench currently has three district judge vacancies. These vacancies were created in September 2000, January 2001, and June 2004, when Judges Patrick J. Duggan, Paul V. Gadola, and Lawrence P. Zatkoff took senior status. While the President has submitted nominations for these vacancies, no action has been taken by the Senate.

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

Ralph M. Freeman Foundation

As a result of the generous bequest of our late Judge Ralph M. Freeman, the Court continued his legacy of justice, advocacy and civility by presenting scholarships in 2004 and 2005 to students at six Michigan law schools and also to student children of full-time permanent court employees.

Space and Facilities Projects

In the Summer of 2004, the Special Proceedings Courtroom was completed. Construction of the chambers associated with that courtroom was recently completed and Chief Judge Friedman moved into the chambers in December 2005. The Special Proceedings Courtroom is used for extraordinary sessions of court, naturalization ceremonies, Federal Bar Association conferences, and many other special occasions.

The Automation and Training project began in the former Dow Litigation Area on the first floor of the Theodore Levin U.S. Courthouse. The area will be used to consolidate the Automation staff, as well as to provide a much needed large assembly area to be used for tenant

meetings, Bench and Bar training and meetings, blood drives, and large gatherings.

Other projects that are proceeding in various stages are a fitness center, a central mailroom, and a grand jury suite for Bay City.

Oral History Program

The Oral History Program that was implemented by former Chief Judge Zatkoff in conjunction with the Court Historical Society continues to move forward with great success. The oral history of Judge Stewart Newblatt has been completed. Oral histories are in the process of being completed on Judges Feikens, Churchill, Gilmore, Harvey, DeMascio, Gadola, Cook, Taylor, and Magistrate Judge Komives. The program is being managed by Judy Christie, former Administrative Manager from our Clerk's Office.

Case Management/Electronic Case Files (CM/ECF)

The Eastern District of Michigan implemented electronic filing on June 1, 2004. As of January 1, 2006, there were 4,163 attorneys registered for e-filing, 66% of which have actually e-filed a document. Since e-filing began in the Eastern District of Michigan, the percentage of e-filing of documents by court staff and attorneys has increased each month - in December 2005, 31.8% of all papers were e-filed. Mandatory e-filing in the Eastern District of Michigan began on December 1, 2005.

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

Naturalization Ceremonies

In calendar year 2004 our district naturalized approximately 15,000 new citizens. In calendar year 2005, we naturalized approximately 11,000 new citizens. In 2004, a number of new citizens were naturalized in large off-site ceremonies at various locations due to the on-going construction of the Special Proceedings Courtroom. Upon the completion of the courtroom in June 2004, most ceremonies take place at the Theodore Levin U.S. Courthouse, with a small number of off-site ceremonies still taking place.

Court Ombudsman

Chief Judge Friedman, with the unanimous backing of our Bench initiated an ombudsman program. On February 22, 2005, Attorney George J. Bedrosian was appointed as the Court's first Ombudsman. Mr. Bedrosian's role is to act as an intermediary between judicial officers of the Eastern District and the Bar. He operates on an informal, confidential basis to interface and address those matters lacking an institutional mechanism or forum for redress. He will be serving in

the role of ombudsman until further order of the Court.

Historical Artifact Display

On May 2, 2005, the Court opened its newest exhibit - the Court's Historical Artifact Display. The exhibit features items of historical significance and general interest from the entire span of our Court's history. Most of the items on display were donated by judicial officers and long-term court employees. The exhibit is open for viewing on the first floor of the Theodore Levin U.S. Courthouse and is part of the permanent display and collection of the Court Historical Society.

Use of Cellular Telephones in Court Facilities

On June 6, 2005, the bench approved a policy governing use of cellular telephones and similar communication devices by attorneys in federal court facilities. The policy allows attorneys to use cellular telephones and other communication devices in designated areas of court facilities located throughout the District.

Shared Advanced Technology Courtroom Training Program

The Court partnered with Michigan State University College of Law and the Eastern District of Michigan's Chapter of the Federal Bar Association in 2005 in developing a training program called "Advanced Courtroom Technology & Electronic Evidence Training". The class is taught in the Court's high-tech courtroom. Our first 2 training sessions

were held in August 2005 and were highly successful. It is our hope that the technology available in the Court is used more often as more attorneys become trained in how the equipment functions and what it can do for them in the presentation of their cases.

Significant Changes in Court Personnel

On January 31, 2005, Jury Administrator Jeanne Schmidt retired after 39 years with the District Court. Ms. Schmidt was the first and only Jury Administrator in the Eastern District of Michigan until her retirement, a tenure in which she served 12 different Chief Judges. Upon her retirement, Theresa Hryshko assumed the position of Jury Administrator, combined with her other duties as Supervisor, Court Reporting and Interpreting Services.

On December 2, 2005, Deputy Court Administrator Mary Miers retired after 16 years with the District Court. Ms. Miers played a significant role in the implementation of the Jury Management System (JMS) and CM/ECF. The search is currently underway to fill the vacancy left by Ms. Miers' retirement.

On January 3, 2006, Chief Pretrial Services Officer James O. McHenry retired after 22 years with the Pretrial Services Agency. Dr. McHenry worked tirelessly in propelling the Pretrial Services Agency in the Eastern District of Michigan into one of the top agencies in the nation. Charles Shepherd is currently serving as Chief Pretrial Services Officer.

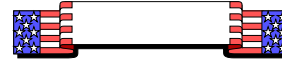
Employee Appreciation Day

Continuing the tradition established in 2001, the Court once again held Employee Appreciation Day in 2004 and 2005. Employee Appreciation Day recognizes the achievements and services of the employees. Length of Service awards and gifts are presented to eligible court staff to reach milestones in their careers. In 2005 a new award was introduced. Chief Judge Friedman implemented the Chief's Award which is presented by the Chief Judge in recognition of a court employee who has demonstrated extraordinary effort and performance, and exceptional commitment to the Court and its mission.

Court Newsletter

In 2004 the Eastern District of Michigan began publishing a monthly newsletter called CourtSide. The newsletter has enhanced communication between employees and the divisional offices. Articles for the newsletter come from each department and divisional office within the court, with additional articles from GSA, the Marshals Service, the Court Historical

Society, and occasional guest contributors. The newsletter allows the court family to share important events in their lives, recipes, thoughts and any information that may be useful to others.



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

ANNUAL REPORT

The Western District of Michigan geographically covers 49 counties in the Western half of the lower peninsula and the entire upper peninsula, and encompasses a population of about 3.5 million people. It contains four courthouses with the court headquarters in Grand Rapids, and divisional offices located in Marquette, Lansing, and Kalamazoo.

The Western District is privileged to have had its four authorized Article III judges serve together for nearly fourteen years. However, 2005 brought great change for the District, with the elevation of Judge David McKeague to the Sixth Circuit Court of Appeals and with Judge Richard Enslin's decision to take senior status. Judge Wendell Miles continues to provide support to the District as a senior district judge. In addition, Judge J. Allen Edgar now assists us as his time permits at our Marquette Courthouse, following his decision to take senior status from the Eastern District of Tennessee. Further, additional judicial support has been provided by Eastern District of Michigan Judges during this transitional period pending new judicial appointments. The Court expresses grateful thanks to Chief Judge Bernard Friedman for coordinating



*Hon. Robert Holmes Bell
Chief Judge*

this effort and to all the Eastern District Judges who have volunteered to help out in 2005 and the upcoming year. The continued work of the four experienced and exceptional magistrate judges, Hugh Brenneman, Timothy Greeley, Joseph Scoville, and Ellen Carmody, have been instrumental in providing service to this Court.

WORKLOAD

The year 2005 saw both a decline in civil case filings and an increase in criminal law filings. The civil caseload decreased five percent over 2004 to 1492 cases. While the criminal caseload increased by two percent from 347 to 355, the number of defendants increased seven percent, from 435 to 469, due to the increase in multi-defendant indictments returned.

ELECTRONIC CASE FILING (ECF)

The year 2005 marked the first calendar year of mandatory e-filing for the Western District of Michigan, with a significant positive response among attorneys. As a result, civil e-filings by attorneys more than doubled to 38,280 in 2005. Criminal e-filings quadrupled to 5,733. By the end of the year 3,484 attorneys were registered to use CM/ECF with 47,524 cases electronically maintained in CM/ECF. The Court conducted fourteen CM/ECF training sessions resulting in 150 attorneys and support staff trained to use the system during the year. CM/ECF is now firmly ingrained within the legal culture of this district.

COURTROOM TECHNOLOGY

2005 saw the addition of a new state-of-the-art courtroom in Grand Rapids for use by Chief Judge Robert Holmes Bell. The Court's experience with this courtroom's technology has significantly changed the presentation of evidence and lawyer advocacy in both large and small cases. The Court is working with the local Federal Bar Association to educate lawyers on the effective use of this courtroom technology.

SPACE AND FACILITIES

Within the Western District two major construction and remodeling projects came to completion in 2005.

Judge Bell and his staff moved into newly renovated chambers and courtroom space at the Grand Rapids facility in March, 2005. This project included new state-of-the-art courtroom technology, new courtroom ceiling and lighting, and renovated woodwork throughout. This courtroom will also showcase newly restored portraits of past District Judges of the Western District of Michigan, including the Honorable Solomon L. Withey, the first judge appointed to the Western District of Michigan in 1863 by Abraham Lincoln.

Renovation also was completed in 2005 in the Visiting Judges' Courtroom in Marquette. The renovations included upgraded lighting, new carpeting, refurbished woodwork, a renovated jury box, redesigned seating and rail gates, and new draperies. It is remarkably beautiful.

ALTERNATIVE DISPUTE RESOLUTION

The Western District offers several methods of Alternative Dispute Resolution (ADR), in an effort to assist the lawyers and parties. In 2005, one half of the civil cases were submitted to ADR. The Voluntary Facilitative Mediation (VFM) program has received widespread interest as it is true mediation with a trained lawyer mediator. Approximately two out of three cases submitted to VFM have settled using this approach. Responses to exit questionnaires repeatedly verify both

satisfaction with this program and great savings in resources.

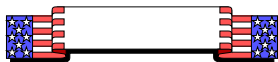
**JUDICIAL PARTICIPATION IN
CONFERENCE COMMITTEES**

The judges of the Western District have consistently assisted the Sixth Circuit Court of Appeals through sitting by assignment. Judge Richard A. Enslen is currently serving as a member of the Judicial Conference Committee on Criminal Law. Judge David W. McKeague served on the FJC Defender Services Committee, and the Judicial Conference Committee on the Budget. Judge Gordon J. Quist is currently Chair of the Committee on Codes of Conduct of the Judicial Conference of the United States.

In conclusion, the judges of this district are privileged to work with exceptional court clerks, probation officers, law clerks and administrative assistants whose work ethic and professional contributions enhance the court's reputation for the prompt and fair delivery of justice.

Respectfully Submitted,

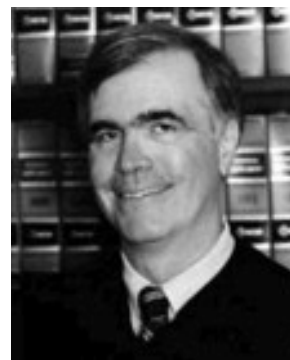
Robert Holmes Bell
Chief Judge



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
ANNUAL REPORT**

Introduction. During the past 18 months the United States District Court for the Northern District of Ohio has undergone significant organizational change. Judge James G. Carr was elevated to Chief Judge in December, 2004 and the Court bid farewell to former Chief Judge Paul R. Matia (May, 2005) and District Judge John W. Potter (October, 2004) who retired from the Court. The Court also welcomed new District Judge Christopher A. Boyko who joined the bench in January, 2005. In addition, two district judgeship vacancies were created when Judge David A. Katz from the Western Division took senior status on January 1, 2005 and Judge Lesley Wells from the Eastern Division took senior status on February 14, 2006. On March 16, Judge Jack Zouhary, who served on the Lucas County Common Pleas Court, was confirmed by the United States Senate to fill the Western Division vacancy.

There was also significant change within the Probation and Pretrial Services Offices. After many years of distinguished service, Chief Probation Officer John Peet, Chief Pretrial Services Officer Jeff Johnson and Deputy Chief Probation Officer Lenora Barry retired and Greg Johnson was appointed by the Court as the new Chief Probation Officer. After the Chief Pretrial Services Officer retired,



*Hon. James G. Carr
Chief Judge*

Greg Johnson was also appointed to fill that role on an interim basis as the Court considered the possibility of consolidating the Probation and Pretrial Services offices into one unit. On February 6, 2006, the Court unanimously decided to consolidate these Court units with Greg Johnson serving as Chief of the Pretrial Services and Probation Office.

In October 2004, the Court consolidated the automation departments of the Clerk's Office, the Probation Office and the Pretrial Services Office under the direction of a single Director of Information Technology to improve service and to better utilize our limited automation resources. The Court is also exploring sharing other administrative services such as human resources, budget/finance and property/procurement among its Court units to provide superior service, gain additional operating efficiencies and to better operate within the current budget

climate. All District Court units work collaboratively and meet regularly in these areas, most recently in the planning and provision of new phone systems in Akron and Toledo. The District Court units have also worked closely with the U.S. Bankruptcy Court on our rejuvenated Joint Court Unit Training Committee, which was established in 1993 and was the first of its kind in the Judiciary. The current focus is on staff development and the creation of Individual Development Plans for each employee.

During the past year, the Court has also made extensive outreach efforts to its Congressional representatives and the media to better inform key decision makers and the public of the important role played by the Courts in our democracy and the necessity of providing the Judiciary with adequate funding to continue its mission.

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

District Judges. The Northern District of Ohio is authorized 12 judgeships, 11 permanent and one temporary. The district currently has one district judgeship vacancy in the Eastern Division. The Court is hopeful that the vacancy will be filled soon. The Court is concerned that it could lose its temporary judgeship because, absent congressional action, authorization for the position will lapse with the creation of the first judgeship vacancy occurring on or after November 15, 2006. While the Judicial Conference has recommended that the temporary judgeship be extended for an additional five years, Congress has not acted on the issue. Extending the term of the temporary judgeship remains a high priority.

The district is fortunate that our five senior judges (Judge John M. Manos, Judge Ann Aldrich, Judge David D. Dowd, Jr., Judge Lesley Wells and Judge David A. Katz) share the Court's workload and participate in the case assignment draw.

In addition to their work for this Court, several judges serve on national Judicial Conference committees and/or have assisted other courts. For instance, Chief Judge Carr serves on the Foreign Intelligence Surveillance Act Court and the judges regularly sit by designation on the Sixth Circuit Court of Appeals. Judges serving on Judicial Conference Committees include: Judge Dan A. Polster, who has been a member of the Committee on the Administration of the Magistrate

Judge System since 2002; Judge James S. Gwin, who has been a member of the Committee on Information Technology since 2003; and Judge Kathleen M. O'Malley, who has served on the Committee on Space and Facilities since 2005.

Magistrate Judges. The Northern District of Ohio has eight magistrate judges, including one on retired-recalled status, with five assigned to Cleveland and one each to Akron, Toledo and Youngstown.

The role of the magistrate judges in the management of civil cases continues to be significant. Magistrate judges were the presiding judicial officers for 355 (7%) of the civil cases that were resolved in 2005. Excluding MDL actions, magistrate judges presided over nearly 7% (179 of 2,680) of the pending civil docket at the close of 2005. The Court has permitted magistrate judges to accept pleas of guilty in criminal cases upon the consent of all counsel and the defendant since October, 1999. Magistrate judges also help counsel establish budgets for death penalty habeas corpus cases and monitor those budgets on behalf of the Court. Magistrate judges participate in Court governance through their membership on Court committees, where their contributions have been invaluable.

Congressional Outreach: The Court, under the leadership of Chief Judge Carr, has actively pursued opportunities to meet with our Congressional representatives for

the purpose of keeping the Congress better informed on issues related to the Judiciary. Chief Judge Carr regularly visits with our Congressional representatives while conducting judicial business in Washington, D.C. and the other judges maintain regular contact with those whom they know. On October 12, 2005, several judges met with U.S. Senator Mike DeWine, at his invitation, to discuss issues of interest to the Senator and the Court. On February 3, 2006, the Court had the privilege of hosting U.S. Senator George V. Voinovich at the Carl B. Stokes Court House. Among the topics discussed were judiciary funding, security, GSA rental rates, funding for the new Toledo Court House, and cameras in the courtroom.

International Judicial Outreach. The Court is proud to continue its ongoing efforts in hosting visiting members of the international judiciary. In February 2006, the Court participated in the International Visitor Leadership Program's "Administration of Justice and Rule of Law: A Regional Project for the Western Hemisphere," hosting judges, attorneys and administrators from Columbia, Honduras, Nicaragua, Paraguay, Peru and Venezuela. This past October, Judges Adams and Dowd, along with Clerk's Office representatives, hosted Russian attorneys visiting from the Russian Legal Services Program.

Media Outreach. The Court has also endeavored to reach out to media representatives to better inform them, and

through them the public, of the mission and activities of the Court. The Clerk's Office has established media level read-only access accounts to the Court's electronic filing system to provide media representatives with access to a virtual online press box, access to written opinions and the ability to obtain automatic email notification in cases that they wish to follow. In addition, Court calendars were made available on the Court's web site for the convenience of the media, the bar and the public. The Clerk's Office has also provided training to media representatives in how to best obtain information from the Court's web site, PACER and the CM/ECF system.

Bench / Bar Conference. In September 2005, the district joined with the Southern District of Ohio to conduct our third combined Bench Bar Conference in Columbus. The Conference included both plenary and breakout sessions covering a wide variety of topics including: a Supreme Court update, a Sixth Circuit criminal law update, electronic discovery, sentencing after Booker, effective evidence presentation, current issues in employment law, juror's view of the courtroom, the Class Action Fairness Act of 2005, and the interplay between the Courts and the Congress. U.S. Senator Mike DeWine, of the Senate Judiciary Committee, also participated in the question and answer period with attendees of the Conference via speaker phone.

Strategic Planning. The Court continues its strategic planning efforts by regularly reviewing its goals and working to anticipate and prepare for the future. In September 2004, judges and Clerk's Office staff participated in a strategic planning session in Cleveland sponsored by the Federal Judicial Center and facilitated by Dr. R. Dale Lefever that helped the Court share ideas and set goals related to case management, the use of judicial settlement conferences, and responding to the need for increased security while still maintaining an environment conducive to promoting openness to the public and collegiality among judges. In May 2004, judges and all court units participated in a Strategic Planning for Information Technology program led by Jim Buchanan of the FJC that helped the Court set short and long term goals for IT staff including providing judges with improved remote access. Chief Judge Carr, Judge Oliver, Judge O'Malley, Clerk of Court Geri Smith, Chief Pretrial Services and Probation Officer Greg Johnson and selected staff will also attend the 2006 FJC Strategic Planning Workshop in March, 2006.

Criminal Docket. The pending criminal case load in Northern Ohio continues to rise, despite the fact that the Court closed more criminal cases and criminal defendants in 2005 than ever before. The Court closed 665 criminal cases, over 18% more than in 2004, and 1,137 criminal defendants, nearly 30% more than the prior year. Nevertheless, the number of

pending criminal cases rose 4% to 496 and the number of pending criminal defendants rose 2% to 865 as the number of criminal case filings also reached record highs. Criminal case filings rose 4.6% from the prior high of 652 in 2004 to 682 in 2005. The number of new criminal defendants rose 8.3% from 1,069 in 2004 to 1,158 in 2005.

Civil Docket. The pending civil caseload increased 22% from 6,768 at the close of 2004 to 8,312 at year-end 2005. The change can be attributed to a 41% increase in pending civil MDL matters, which typically remain on the dockets longer than other cases. Overall, civil filings fell nearly 29% from 8,256 in 2004 to 5,890 in 2005 due to a significant decline in new MDL filings. Traditional civil filings rose 3.4% from 3,449 in 2004 to 3,565 in 2005. At the same time MDL filings decreased 52% from 4,731 to 2,305 and asbestos cases declined from 76 to 20.

MDL Cases. The Northern District of Ohio is now the transferee court for seven Multi District Litigation matters involving several thousand cases. Attorneys have requested that cases be transferred to Northern Ohio because of the district's central location and ease of access, the availability of the Court's electronic filing and electronic courtroom systems, and the priority that judicial officers have provided these matters. One of Judge Kathleen M. O'Malley's three MDL matters, the welding rod litigation, is comprised of over 5,000 pending cases. Judges Peter C.

Economus, Donald C. Nugent, James S. Gwin and David A. Katz also have MDL matters on their dockets.

Civil Justice Reform Act. Much of the district's success in maintaining current dockets during a decade which has included record levels of civil case filings can be attributed to the case management programs adopted by the Court pursuant to its role as a Demonstration District under the Civil Justice Reform Act of 1990. Under that program, the district adopted a Differentiated Case Management (DCM) Plan, a wide menu of Alternative Dispute Resolution (ADR) options and a Pending Inventory Reduction Plan (PIRP) to manage its civil caseload. These programs have proven highly successful and remain popular with the bench and the bar. Since these programs were initiated, the number of cases three years and older has been reduced by over 77% and the number of motions pending six months or longer has declined by 83%.

Security / Emergency Planning. Security continues to take up more and more of our time, with updating of Occupant Emergency Plans, Shelter in Place Plans and Continuity of Operations Plans. As the tenant with most employees in three of our four facilities, the responsibility for the those facilities rests with the Clerk of Court. Members of our management team have attended various training programs to help implement the emergency and security plans as well as to provide training and guidance to other building

tenants. Blackberry 8700s were purchased for Judges and management staff to enable communication during an emergency. Building Security Committees meet regularly to communicate security issues with all tenants.

New Toledo Court House. Even though the Judicial Conference moratorium on new courthouse construction projects was in effect, we continued to work with Chief Judge Carr on site issues for the new Toledo Court House. This past June, the Court participated in a two-day workshop in Toledo sponsored by GSA to consider all urban planning issues with community planners and leaders and to develop a master plan for the Civic Mall, the site for the new Court House. We continue to follow up on these issues with GSA. We eagerly await proceeding with the Court House design later this year with Mehrdad Yazdani, the architect selected for the project.

HMM Court House Prospectus Project. The completion of the four-year project to renovate and modernize the historical Howard M. Metzemaum Court House culminated in the rededication of the Court House on September 20, 2005. While the U.S. Bankruptcy Court is now the primary tenant of the building, the District Court retained the two historical third floor courtrooms and chambers which have been renovated, including new life safety systems and new audio systems in the courtrooms. Judge Lesley Wells, who

recently took senior status, relocated into her former chambers in the Howard M. Metzemaum Court House in December, 2005.

Cyclical Facilities Maintenance. With the cyclical facilities maintenance funding now provided by the Administrative Office, we have worked hard to maintain a schedule to replace carpeting, paint, ceiling tiles, etc. Our goal over the past year has been to update the judicial chambers in Toledo to accommodate judges' relocations in preparation for the appointment of a new judge.

Procurement. After a joint meeting of the Court Unit Executives last November, all court units agreed to look for ways of sharing services in procurement and other general administrative functions. We have made several joint purchases this fiscal year for greater efficiency and cost savings to the tax payers. Most notable was the purchase of an "enterprise" phone system for the Bankruptcy Court, District Court, and the Probation and Pretrial Services Divisional Offices, which can be administered centrally. The new phone system should reduce our monthly telephone bills considerably. Other joint purchases include postage meters for all locations, digital fingerprinting machines, fitness equipment, walkie-talkie radios, and numerous IT service contracts. Clerk's Office procurement staff members participated in AO pilot on-line training for contracting officers, each logging 20+ hours of training. We have also contracted

out our juror questionnaire mailings, saving staff hours and postage.

Electronic Courtrooms. The Northern District of Ohio recently installed four additional electronic courtrooms in the Carl B. Stokes U.S. Court House in Cleveland. We now have eleven electronic courtrooms district-wide, with eight in Cleveland and one each in Akron, Toledo and Youngstown. The courtrooms are in regular use throughout the year by all judicial officers and have contributed to substantial savings of trial time. The district strives to provide litigants with the best facilities available to assist in the efficient administration of justice. Each electronic courtroom has an evidence presentation system, through which counsel can display exhibits, video recordings or multimedia presentations and view realtime transcripts with the push of a button. The systems include a document camera for displaying documents, x-rays and three-dimensional objects; 15" flat-panel video displays on counsel tables, the judge's bench and between jurors; VGA connections to display documents, multimedia presentations or images from a portable computer on any monitor in the courtroom; technology-ready counsel tables; realtime court reporter transcription; a visual image printer to produce 3" x 5" prints of any image displayed through the system; annotation devices which permit on-screen drawing and highlighting to emphasize specific details of evidence; a videocassette

recorder; and infrared equipment for listening assistance and language translation.

Video Conferencing and Satellite Reception. The district has had video conferencing and satellite reception equipment at each court location since January, 1999. Video conferencing is available in at least 3 fixed locations within each court house. Supplemental portable video conferencing equipment has also been procured for each office. The equipment has been used for remote witness testimony, prisoner video conferencing, arraignments, judges' meetings, Clerk's Office meetings, and participation in long-distance learning programs offered by the Administrative Office and the Federal Judicial Center. The Court will soon be participating in an AO capital construction video conference on court house design for the Toledo court house, a program which in the past required participants to travel to the location of the seminar. The Court has saved significant amounts of travel time and costs through electronic participation in these events. Savings have also been achieved by other courts and the U.S. Marshal Service who have, upon occasion, brought prisoners held in nearby facilities to this Court to participate in oral argument on a motion via video conferences, rather than flying the prisoners to other Court locations. The Court and the U.S. Marshal's Service continue to work together to urge detention facilities to obtain video-

conference facilities to reduce the time and cost of transporting detainees in situations that could be accommodated using video-conferencing. The Court has satellite receivers that receive informational and educational training broadcasts from the Federal Judicial Television Network that may be viewed on monitors located at several locations within each court house. In Cleveland, the FJTN broadcasts are also available on our desktop computers. The ability to view FJTN broadcasts on desktop computers will be made available in our divisional offices in the upcoming months.

Juror Utilization. The Northern District of Ohio is constantly striving to achieve effective juror utilization. Our District improved the utilization rate from 32.5% of jurors not selected or challenged in calendar year 2004 to 26% of jurors not selected or challenged in calendar year 2005, which is below the Judicial Conference goal of 30% not utilized. This was accomplished through a concentrated effort among the Judicial Officers and their staff, and the Jury Department. Techniques such as staggering jury starting times, multiple voir dire, and assessing costs for both late pleas and settlements have made this improvement possible. The Clerk joined several Judges and staff representing our divisional offices in attending a Jury Utilization Seminar for small courts this past year and established the goal of allowing jurors to call in to our jury service recordings earlier than in the

past to give them more time to make arrangements to report for jury duty.

Juror Information. The Court has all serving petit and grand jurors complete service questionnaires. The results are compiled and shared with the Judicial Officers involved in the trials, as well as with the Clerk and the AUSA's for the grand juror results. The Court is interested in the comfort and morale of jurors. We offer coffee to jurors as well as healthy breakfast and snack items to serving jurors. Our jury assembly areas offers cable television, magazines, puzzles, and a quiet area for jurors using their lap top computers. The Court's website at <http://www.ohnd.uscourts.gov> contains juror information including handbooks, answers to frequently asked questions, maps, hotel listings, parking facilities, restaurants, and a convenient link which allows jurors to e-mail the jury administrator with questions. Jurors have expressed appreciation for these efforts.

Interpreters. With the delegation of procurement authority for contract court reporters this past year, we established new procedures for procurement of these services and communicated this information to all certified interpreters and courtroom deputies. We have also trained all courtroom deputies on the Telephone Interpreting Program (TIP).

Naturalization of New Citizens. The Court administered the oath of allegiance to 3,531 new citizens in 2005. In

Cleveland, ceremonies are held twice per month, and in Toledo, naturalization ceremonies were conducted monthly. Five special ceremonies were also held at public locations throughout the district.

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

Clerk's Office. Our Clerk's Office currently supports 24 judicial officers. The Clerk of Court, Geri M. Smith, serves as the Chief Administrative Officer of the Court as well as the Administrative Assistant to the Chief Judge. The Clerk's Office takes a leadership role in the emergency planning, sharing of administrative services (automation, human resources, finance, space/facilities,

procurement), implementation of electronic filing and video conferencing, the installation and support of electronic courtrooms, the installation of audio-digital recording equipment, and the renovation of Court facilities mentioned elsewhere in this report. The Clerk's Office is proud of its Internet web site, as well as its internal Intranet, both of which provide a wealth of information and educational materials regarding Court policies, local rules, Clerk's Office procedures, electronic filing and upcoming activities. During the past 18 months, Clerk's Office staffing has been reduced from 95 individuals (93.5 work units) on board to 86 (85.65 work units) through early retirements, buyouts and attrition. Although the Clerk's Office is authorized 119.8 positions for FY 2006, it cannot safely hire up to that number since the authorized number is so highly dependant upon MDL filings, which fluctuate widely from year to year. Excluding MDL filings, the Clerk's Office would be allocated about 78 positions. Over 25% of the Clerk's Office staff are courtroom deputies assigned to judicial officers. The Clerk's Office was visited by the AO Work Measurement team in December, 2005, and all Clerk's Office staff were interviewed regarding the tasks they perform and the time it takes to complete those functions, as part of the nation-wide review and reformulation of the District Court work measurement formula.

Electronic Case Filing. The Northern District of Ohio is proud to have been the

first Court ever to permit attorneys to file documents over the Internet. Since the district first pioneered the system in 1996, it has been adopted by nearly every district and bankruptcy court in the country. The Case Management / Electronic Case File (CM/ECF) system permits users to file and view documents 24 hours a day, 7 days a week. Following conversion of the data that had been stored in our old ICMS docketing system, the Court now has records for 125,000 traditional civil, criminal and asbestos cases available online. The number of documents filed electronically by attorneys increased 15% from 48,878 in 2004 to 54,485 in 2005. Overall, 6,068 attorneys have filed 218,375 documents electronically since the Court began accepting electronic filings in non-asbestos civil (October, 1997) and criminal (May, 2005) cases. Beginning January 1, 2006, attorneys are required to file electronically absent a showing of good cause. Last summer, the Court's CM/ECF server was ported from the aging Solaris system to the new Linux platform resulting in improved response time and productivity for all users. The project was significant because Ohio Northern had the oldest, and one of the largest, electronic databases in the country to convert. The Court was one of the first in the nation to adopt the MJSTAR reporting system which electronically submits magistrate judge statistics to the AO and does away with the need to complete and mail the monthly manual JS-43 reports. The Clerk's Office also automated and streamlined the process by which

Judgment and Commitment orders are distributed to appropriate Court units and other agencies via CM/ECF generated e-mails. We are currently working to adopt the automated JS-10 reports which will report district judge statistics in a similar manner. In the upcoming months, we will also implement: the automated case assignment system within CM/ECF, which paves the way for finally disposing of the legacy ICMS system; online credit card payments through AO approved Pay.Gov; and electronic filing of complaints by attorneys.

Training. The Northern District of Ohio is committed to the professional development of its staff. The district has had a Joint Court Unit Training Committee since 1993 and a Joint Unit Automation Sub-Committee since 1996, consisting of staff from the Clerk's Office, Probation Office, Pretrial Services Office and Bankruptcy Court. These committees work together to ensure that training resources are utilized wisely and efficiently. A two-day training seminar for all Clerk's Office staff, court reporters and judicial assistants / secretaries was held in July 2005 focusing on establishing individual development plans. Through the consolidated IT Department, we implemented a new automation training program for all users in district court, probation, and pretrial services. Classes are held multiple times each week here in the Cleveland automation training room, as well as remotely from Toledo and to users in the other divisional offices. We

added a new training section on the Court's intranet, including an easy to use training calendar, as well as the ability to register for classes online. Classes have been tailored to address needs expressed in a User Technology Survey that was distributed to all users, collected, and analyzed earlier in the fiscal year.

Consolidated IT Department. The automation staff from the Clerk's Office, the Probation Office and the Pretrial Services Office were consolidated into one department under the leadership of the Clerk of Court and a single Director of Information Technology on October 1, 2004. The new department is organized by function rather than by court unit to provide desktop support, network support, and support for national applications. The talent and experience of the combined group, along with a centralized Help Desk and training program, allow for more efficient and integrated use of staff and resources and improved service to all court units. The integrated department also encourages the use of standardized technology throughout the district that can more efficiently distributed and deployed across the entire court. For instance, following consolidation, all network server configurations for District, Probation, and Pretrial Services were standardized to run on Windows2003 server and the redundant Novell operating systems were eliminated. This allowed us to maintain network systems with a smaller network group, saving the court and public significant personnel costs. In 2005, Judges, Court

Unit Executives and IT department managers participated in a Federal Judicial Center Strategic Planning for Information Resources program which assisted the Court establish the future direction it wished IT services to pursue. While the District Court and Bankruptcy Court automation departments remain separate entities, they meet quarterly and have shared much useful information with each other, as well as discussed ways to back each other up on COOP/disaster recovery, network and telephone switch support, offsite storage of backup tapes and sharing of expensive network tools.

Pretrial Services and Probation Office. On February 6, 2006, the Court decided to consolidate the Pretrial Services Office and the Probation Office into one unit under the direction of a single Chief. Greg Johnson has been designated the Chief of the combined Pretrial Services and Probation Office. The following information reflects the achievements of those offices prior to consolidation.

Probation Office. In FY 2005, there was a 14% increase in the number of presentence reports (1,019). The number of cases on supervision (1,717) decreased by 3%. Approximately 220 offenders met the early termination standards and their supervision was terminated by the Court. The probation office must be mindful of budgetary concerns but also strike a balance in delivery of meeting the offender and Court needs. The expenditures for Drug and Alcohol treatment were

\$353,604 with an additional \$193,846 spent on Mental Health treatment. Home confinement with electronic monitoring placement was at 198 offenders. The total expenditure for the home confinement program was \$42,729.00.

After almost 30 years of service, for Chief Probation Officer John J. Peet III retired January 3, 2005. Under his tenure, the office expanded programs in firearms, defensive tactics and computer crimes and began the initiative for search and seizure. Deputy Chief II Lenora Barry delayed her retirement, staying on to assist in the transition of the new Chief Probation Officer, until June 30, 2005 after earning national recognition for serving as an Audit Member of the Federal Corrections and Supervision Divisions, as well as a Leadership Development Advisory Member of the Federal Judicial Center, and with Administrative Office's Human Resources Work Group.

Following the transition, Probation undertook a major training commitment for the safety of the officers who were participating on the search team and for officers in the areas of defensive tactics, firearms, and updating safety vests. With a commitment to improve the employment rate of offenders, the Probation Office also hosted a two-week workshop with staff and community agencies who will be embarking to secure employers who will hire offenders. The staff has been trained in methods to assess the skills and needs of offenders with their employment

endeavors. In addition, the Probation Office was selected to host two national conferences, one for Pretrial in 2007 and the other for the Workforce Development initiatives in 2008.

Significant Court cases affected daily operations. The *Booker/Fanfan* decision and a 6th Circuit case resulted in significant changes in the format of the pre-sentence report. The Probation Office has begun to revamp the monthly Offender Orientation Program with participation and interest of members of the bench. This program is conducted by supervisors when offenders begin supervision and presentation are made at FCI Elkton and FCI Milan on a quarterly basis. The Office also participates in mock job fairs at those facilities.

Pretrial Services Office. On September 30, 2005, Chief Pretrial Officer Jeff Johnson retired with more than 30 years in service to the Court. Prior to the retirement, the Court had begun to examine the feasibility of consolidating Probation and Pretrial Services. Prior to the official decision to consolidate, Chief Probation Officer Greg Johnson was assigned oversight of the Pretrial Services budget to facilitate the transition. The Pretrial Services management team now joins the Probation management team for weekly meetings. The joint venture, which now extends beyond combined training efforts, has produced a collegial environment among the staff of both units.

Communication has improved particularly in the continuity of services to the Court.

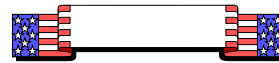
Heritage Celebrations. The district also participates in the AO's Heritage Celebration Series by holding an annual African-American Heritage Ceremonies in both Toledo and Cleveland each February and an Hispanic Heritage Celebration in the fall. The Court was pleased to have retired Judge Nathaniel R. Jones, Sixth Circuit Court of Appeals, serve as the keynote speaker of our most recent African-American Heritage Ceremony.

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

Conference that the advisory group process be continued. The mission of the Advisory Group for the Northern District of Ohio is to cover all matters of interest, whether civil or criminal, to the bench and the bar. The group meets with the judges semiannually in May and October and has established three committees that meet independently as needed: Civil Rules, Criminal Rules and Alternative Dispute Resolution. The continued support of the Advisory Group has proven invaluable to the Court.

Respectfully Submitted,

James G. Carr
Chief Judge



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

2005 ANNUAL REPORT

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



*Hon. Sandra S. Beckwith
Chief Judge*

JUDICIAL OFFICERS

<u>District Judges</u>	<u>Location</u>	<u>Appointment Date</u>
Sandra S. Beckwith, Chief	Cincinnati	February 21, 1992
Susan J. Dlott	Cincinnati	December 29, 1995
Edmund A. Sargus, Jr.	Columbus	August 23, 1996
Algenon L. Marbley	Columbus	November 10, 1997
Thomas M. Rose	Dayton	June 21, 2002
Gregory L. Frost	Columbus	March 19, 2003
Michael H. Watson	Cincinnati/Columbus	October 21, 2004
<u>Senior Judges</u>	<u>Location</u>	<u>Appointment Date</u>
S. Arthur Spiegel	Cincinnati	June 5, 1980
John D. Holschuh	Columbus	June 2, 1980
George C. Smith	Columbus	December 10, 1987
Herman J. Weber	Cincinnati	April 30, 1985
James L. Graham	Columbus	November 15, 1986
Walter H. Rice	Dayton	June 5, 1980

<u>Magistrate Judges</u>	<u>Location</u>	<u>Appointment Date</u>
Michael R. Merz, Chief	Dayton	November 20, 1984
Norah McCann King	Columbus	June 16, 1975
Mark R. Abel	Columbus	June 2, 1969
Terence P. Kemp	Columbus	September 18, 1987
Timothy S. Hogan	Cincinnati	October 4, 1996
Sharon L. Ovington	Dayton	October 28, 2002
Timothy S. Black	Cincinnati	May 1, 2004

This past year saw former Chief Judge Walter Herbert Rice take senior status, although he maintains a full caseload.

Local Rules

We continue to update our Local Rules to meet changes in the Federal Rules of Civil Procedure, e.g. filing motions for class certification, protecting personal privacy and sealed, confidential documents. We intend to adopt a Local Rule to permit law students to practice in our Court under the supervision of an attorney in good standing in our Bar.

Workload

We have seen a steady decline in civil cases filed from 2711 in 2001 to 2429 in 2005. Pending cases have remained relatively steady. In 2001, civil cases pending totaled 3094, while in 2005 civil cases pending totaled 3028. Criminal case filings during the same period increased from 409 to 533. Pending criminal cases rose from 327 to 667. Criminal defendants

in pending cases have increased from 494 to 942.

Jury trials in civil cases have declined from 41 in 2001 to 33 in 2005. Criminal jury trials have increased from 18 in 2001 to 27 in 2005.

Our Court naturalized 2992 persons in 2005.

Jurors

We create our jury pool from voter registration rolls and Bureau of Motor Vehicle records. We find that our non-white participation rate of 8.8 percent mirrors the 2000 census percentage of non-whites in southern Ohio which is 13.2 percent overall. Our juror utilization rate remains constant at 32.2 percent.

Attorney Admissions

Two bar examinations were given in 2005. A total of 448 attorneys were admitted to practice in the Southern District of Ohio.

Space and Facilities

A Prospectus level project is in the design and engineering stage for the Cincinnati courthouse. It will include one new courtroom and judge's chambers suite, a new U.S. Attorney's satellite office and grand jury suite, as well as, new steam heat boilers. Exterior improvements will include masonry cleaning and repairs, new windows, a new roof, landscape/security lighting and other assorted improvements.

We are in the process of closing and securing the alley behind the Cincinnati courthouse. We have renovated the lawyers' lounge in the Cincinnati courthouse and hope to have wireless internet service available to our lawyers there soon. Similar internet access in the lawyers' lounges in the other cities is also planned.

Court History

A Place of Recourse - A History of the U.S. District Court for the Southern District of Ohio, 1803-2003, was published in late 2005. It is a project initiated and promoted by Judge Rice.

Much of the Cincinnati courthouse lobby and other public spaces have been restored to their original beauty in our first Prospectus building project, which was completed in late 2005.

IT

The Court's growing reliance upon Information Technology (IT) resulted in two primary initiatives. The first was a review and reorganization of the department, resulting in the addition of three new staff members. These new employees have expanded the department's technical depth and improved its service goal.

The second area of focus was the Court's core Information Technology infrastructure. Server clustering was implemented in each of the Court's three divisional locations to increase system availability, data security, and remote management. In accordance with national guidelines, the CM/ECF system was upgraded to achieve compliance with the E-Government Act of 2002 and later migrated from the Solaris to Linux platform. Future goals include a continued focus on infrastructure upgrade and the deployment of emerging technologies such as wireless networking and remote access.

Judicial Conference Committees

Chief Judge Beckwith began a three-year term on the Committee on Defender Services of the Judicial Conference, which handles many of the defenders' budgetary needs and makes recommendations to the Conference in those matters. Judge Sargus serves on the newly created Committee on Security,

which was formerly a part of the Committee on Security and Facilities.

Significant Southern District of Ohio Cases

U.S. v. Blackwell, et al. (No. 2:04-cr-134 JEG). A grand jury indictment charged Blackwell and several associates with multiple counts of insider trading. Blackwell served as a director of Worthington Foods, which was purchased by the Kellogg Company in late 1999. The indictment alleged that Blackwell obtained material, nonpublic information about the anticipated purchase of Worthington, and shared it with the other defendants before the public announcement of the Kellogg purchase. The defendants allegedly bought various quantities of Worthington stock based on the insider information. The SEC investigated the defendants' Worthington stock trading in late 2000, and the defendants were also indicted for multiple counts of impeding that investigation and providing false and incomplete information. After a five-week jury trial in May-June 2005, Blackwell and two of his co-defendants were convicted on most counts; three co-defendants were acquitted of all charges. The defendants were sentenced in December 2005.

Owensby v. City of Cincinnati (No. 1:01-cv-769 SAS). Mr. Owensby died while in police custody in 2001. Owensby's estate sued several police officers and the City for damages. The

court previously denied qualified immunity to several of the police officers, a ruling that was affirmed by the Sixth Circuit in July 2005. In September, the court denied summary judgment to one of the police officers, against whom the action was stayed while he served in the armed forces in Iraq. The matter is currently set for trial in April 2006.

Chesher v. Neyer (No. 1:01-cv-566 SAS). Plaintiffs' deceased relatives were photographed by a private, commercial photographer, without plaintiffs' knowledge or consent, while the bodies were in the Hamilton County morgue. Plaintiffs sued the morgue staff and the photographer, alleging constitutional violations. The court held a four-day summary jury trial in January 2005 in an attempt to resolve this highly publicized and vigorously contested case. A settlement was not reached, and in September 2005 the court denied several of the defendants' motions for summary judgment.

U.S. v. Hamilton County Commissioners (No. 1:02-cv-107 SAS). The United States filed suit against Hamilton County under federal environmental laws, contending that the County's sewage system was illegally polluting various waterways. The court entered a Consent Decree in June 2004, which was intended to address the system's problems. In August 2005, the court granted substantial attorneys' fees and costs to an intervenor, The Sierra

Club. The court found that the Club's involvement significantly assisted in preparation of the Consent Decree.

Cooley v. Taft (No. 2:04-cv-1156 GLF). Cooley, an Ohio death row inmate, filed an action under 42 U.S.C. § 1983 challenging the specific lethal injection protocol that the State of Ohio intends to use to execute Cooley. The court, following its ruling in two prior cases (Dennis v. Taft, No. 2:04-cv-532 and Dennis v. Taft, No. 2:04-cv-920), determined that Cooley properly raised his claim under § 1983, and found that the applicable statute of limitations begins to run when the execution becomes imminent, and the plaintiff knows of the facts concerning the specific method of execution. The court rejected the State's assertion that Cooley's complaint was a second or successive habeas corpus petition which violates 28 U.S.C. § 2244(b).

[Of interest concerning this case is the fact that the United States Supreme Court recently granted certiorari in Hill v. Crosby (Case No. 05-8794) to consider whether a § 1983 complaint by a death row prisoner challenging the chemicals to be utilized for carrying out the execution is properly recharacterized as a habeas corpus petition, and whether the challenge is cognizable under § 1983.]

Chicago Title v. Magnuson (No. 2:03-cv-368 GLF). Chicago Title sued Magnuson, its former employee, and

Magnuson's new employer, alleging breach of Magnuson's non-competition agreement, and tortious interference due to Magnuson's hiring of Chicago Title employees to work for his new employer. The court granted summary judgment on liability to Chicago Title. A four-week jury trial on damages presented a relatively novel issue - was Chicago Title a "lost volume seller." The court's determination that it was obviated the issue of mitigation of damages. The jury subsequently awarded almost \$11 million compensatory, and over \$32 million in punitive damages.

Coston v. Petro (No. 1:05-cv-125 SSB). An Ohio statute prohibited sex offenders from living within 1,000 feet of a school. Several offenders filed suit against state and county officials, seeking to enjoin enforcement of the statute. In September 2005, the court dismissed the complaint, finding that the plaintiffs lacked standing to challenge provisions of the statute. The court also found that the statute was civil, not criminal, in nature, and that plaintiffs therefore could not maintain a facial constitutional challenge to the statute.

Cincinnati Women's Services v. Taft (No. 1:98-cv-289 SSB). Abortion providers challenged an Ohio statute placing certain restrictions on the availability of abortion services. The parties stipulated that the 1998 statute would not be enforced, pending the Ohio Supreme Court's approval of new rules governing a judicial bypass procedure

applicable to minors seeking an abortion. A six-day bench trial was held in February 2005, after which the court upheld the state statute, which requires a face-to-face meeting between a patient and the physician at least 24 hours prior to performing an abortion; requires a minor to obtain the consent of at least one parent for an abortion; and imposes certain restrictions on the judicial bypass procedure.

Hainey v. Parrott (No. 1:02-cv-733 SSB). Plaintiffs' next-of-kin's organs were removed during statutorily-required autopsies, and disposed of by the Hamilton County Coroner's Office without notice to or consent of the plaintiffs. After previously certifying a class, the court granted plaintiffs summary judgment, ruling that the county coroner's office violated plaintiffs' due process rights. The court also denied Eleventh Amendment and qualified immunity to the municipal defendants.

Dennis Cook v. City of Norwood, et al. (No. 1:02-cv-073 HJW). The plaintiff filed an application for attorney fees and costs following a lengthy trial at which he prevailed on one of several claims brought under the civil rights and anti-discrimination laws. The court reduced the requested fee of \$314,831.25 to \$179,550.00 and denied plaintiff's request for a multiplier of 1.5 times that amount. The court approved an hourly rate of \$225.00 for counsel. The court then disallowed certain hours expended by

counsel, including hours that were outside the realm of an attorney's duties and were more in the nature of personal counseling of the mentally disabled plaintiff and hours counsel spent performing various administrative and clerical tasks. After making these reductions, the court applied a further reduction of 30 percent to insure that the fee accurately reflected the significance of the overall relief obtained by the plaintiff in relation to the hours reasonably expended on the litigation. The court also awarded costs in the amount of \$11,685.82, a significant reduction in the requested amount of \$27,858.17 primarily attributable to paring of the expert witness fees. Plaintiff had sought expert witness fees in the amount of \$13,999.64, but the court limited plaintiff's compensable costs for the three expert witnesses to \$120.00 pursuant to 28 U.S.C. § 1821, which authorizes an attendance fee of \$40.00 per day for a witness.

Gamble v. Ohio Dept. of Job and Family Services (No. 1:03-cv-452 SJD). Former public assistance recipients sued the Ohio and Hamilton County Departments of Job and Family Services, alleging that the agencies over-withheld child support collections the recipients had assigned to the state as a condition of receiving public assistance. The court found that because the Hamilton County Department functioned as an "arm of the state," plaintiffs' retroactive damage claims against both agencies were barred by state sovereign immunity. The court also found that plaintiffs could continue to seek

declaratory and injunctive relief against the agencies' directors under the Ex Parte Young exception.

Tharp v. Board of Ed. of the Northwest Local School Dist. (No. 1:05-cv-550 SJD). The mother of a multiracial child sued her local school district for denying her request to transfer the child to a different elementary school. The district had denied the request pursuant to a “racial balancing” policy which prohibited transfers that would exacerbate any disparity in the relative concentration of minority students at a school as compared to the average concentration of minority students across the district. The mother moved for a temporary restraining order enjoining application of the policy to bar her son’s transfer, alleging that it violated her son’s equal protection rights under the Fourteenth Amendment. The court found that race was the determinative factor in the transfer denial, and that the mother had therefore demonstrated a strong likelihood of success on the merits of her equal protection claim under the Supreme Court’s affirmative action jurisprudence in Grutter v. Bollinger and Gratz v. Bollinger. The court therefore granted the temporary restraining order.

United States v. Bold (No. 1:03-cv-129 SJD). The court sentenced a number of individuals to incarceration for their participation in a loose mortgage fraud conspiracy involving an estimated 800 properties in Greater Cincinnati. Cincinnati neighborhoods affected by

conspiracy-related foreclosures petitioned for award of community restitution under the Mandatory Victims of Restitution Act (MVRA), relying on empirical analyses linking increased foreclosure rates to declines in neighborhood property values. The court found that the communities, while clearly affected by the foreclosures, did not constitute criminal “victims” eligible to claim restitution under the MVRA.

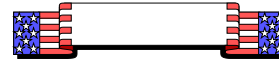
Diversity

The Diversity Committee of the District Court continued its fine programming throughout 2005 in all three cities, in furtherance of its mission “to create a harmonious environment by promoting understanding and appreciation of the diversity of talents and backgrounds that each of us brings to our workplace to facilitate our ability to effectively serve the general public with fairness and equality.” Chaired by Probation Clerk, Susan Scardina, the 15 member Committee is becoming renowned for its stimulating presentations and its related cultural food tasting celebrations. The Committee marks Martin Luther King, Jr.'s birthday in January and Women's History in March. The Committee hosts celebratory events honoring African-American History in February, Asian Pacific American Heritage in May, Hispanic-Latino Heritage in September, and disability awareness in October. Participation by employees in each event continues to surpass expectations, and reviews of the programs

have been excellent. The Court is proud to celebrate the diversity within our workplace and is grateful to the Committee for its excellent work.

There is other significant Court information available at the web site www.ohsd.uscourts.gov.

Attorney Admission Fund



The Southern District of Ohio has offered an unprecedented opportunity to the Cincinnati, Columbus and Dayton Chapters of the Federal Bar Association to apply for annual grants not to exceed \$10,000 per chapter. Through a formal grant application process, the Federal Bar Association Chapters set forth ideas for use of the Court's Attorney Admission funds to the benefit of the bench, bar and legal community at large. In calendar year 2005, a total of \$30,000 was made available to the three Chapters of Ohio Southern's Federal Bar Association to fund career development opportunities in the legal field through externships and scholarships for underprivileged and economically challenged law students. The Court has extended a similar invitation to the Federal Bar Association Chapters for calendar year 2006.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE



2005 ANNUAL REPORT

Curtis L. Collier
Chief Judge

JUDICIAL OFFICERS - The Honorable R. Allan Edgar, former Chief Judge of the U.S. District Court for the Eastern District of Tennessee, took senior status effective October 7, 2005. An investiture ceremony for the Honorable Curtis L. Collier was held on November 18, 2005, in which he was installed as Chief Judge. The Honorable Harry S. Mattice, Jr., was confirmed as U.S. District Judge sitting in the Chattanooga Division and was sworn in on November 18, 2005. His formal investiture ceremony was held on February 10, 2006.

PERSONNEL - Several Clerk's Office personnel have been appointed by Ralph Mecham, Director of the Administrative Office of the U.S. Courts (AO), to serve on working groups. These include the Clerk,

FAS₄T Working Group; Chief Deputy, CM/ECF Working Group; and three Case Managers from the Knoxville Division, District Methods Analysis Working Group. In addition, staff are assisting the AO in other ways. The Deputy-in-Charge, Chattanooga Division, is serving as a "subject matter expert" for the Court Compensation Study, and the Deputy-in-Charge, Greeneville Division, served on an ad hoc group to provide comments to the AO on the new court interpreter contract. The Financial Administrator is serving as a mentor for courts implementing the Civil Criminal Accounting Module (CCAM).

We had some change in Clerk's Office personnel in 2004 and 2005. Two long-term employees in the IT department, one courtroom deputy, and one case manager

took advantage of the early out offered and retired. We promoted an employee from within to serve as the new IT Manager and we hired a new Systems Administrator and a new Network Administrator. We have a very strong IT team and are well-positioned to continue our efforts to stay in the forefront of technology. We also hired a courtroom deputy and a case manager to replace personnel who retired. We continue to maintain our staffing at below authorized levels for budget management purposes.

WORKLOAD - As of September 30, 2005, our weighted filings per judgeship were 443, placing our court 7th in numerical standing in the circuit and 54th in the United States. We terminated 466 cases which placed us 4th in the circuit and 43rd in the United States. We completed 29 trials, placing us 2nd in the circuit, and 13th in the United States. Our median time from filing to trial is 22 months (civil only) and we are 2nd in the circuit and 36th in the United States. As of September 30, 2005, 2079 cases had been filed, an 8.3% decrease over last year. This decrease is less than the national average. Nationwide, district court civil filings declined by 10 percent and criminal case filings declined by 2 percent as of September 30, 2005, compared to the prior year.

COURT AUTOMATION PROJECTS - Our court continued its effort to use technology to improve efficiency and reduce costs. In May 2004, we

implemented the Case Management/Electronic Case Filing (CM/ECF) system. Since then we have implemented newer versions and are now using Version 2.5. In 2005, we achieved our goal to reach 70% attorney filings for non-court-docketed events, placing us 11 out of 94 district courts in percentage of attorney filings. A survey of attorneys showed that over 90% are very satisfied with CM/ECF, court support, training, and instructional materials. Further, we offered personal training sessions on CM/ECF with CLE credit. As of July 2005, we had awarded 1276.5 total hours of CLE credit to Tennessee attorneys, ranked 23rd among CLE providers in the state, and had a market share of 6.5%.

Our Chattanooga Division is participating in a pilot project of the Judicial Conference on filing transcripts in ECF. The purpose of the pilot is to determine the impact redacting identifiers from transcripts will have on Federal Defender Services.

We completed our transition to a fully automated financial accounting system by implementing the CCAM component of FAS4T. CCAM allows us to maintain all of our receipt of funds, such as filing fees, registry accounts and criminal monetary penalties, in an electronic database. This has simplified and reduced the time for receipting funds and paying out criminal monetary penalties to victims.

Several IT projects were completed that resulted in more efficient use of time and resources. We implemented video streaming, which allows personnel to watch training programs on their desk top computers. No longer are staff required to meet centrally in a conference room at an appointed time to watch an FJTN or other program. Instead, they can watch the program at their desk at the time of their choosing. Streaming audio of courtroom proceedings to desktop computers also was implemented. This allows law clerks, judicial assistants, and others designated by the judges to listen to courtroom proceedings at their desk top computer. This eliminates the need to purchase and wire speaker boxes, which is much more expensive. Other time- and cost-saving automation projects implemented this year were: automated inventory system, web-based travel program that gives the ability to change per diem and mileage rate at the server, upgrade from Solaris to Linux operating system for CM/ECF, conversion of court calendars to web-based application (Lotus Notes), and upgrades to Windows XP, WordPerfect 12, and Lotus Notes 6.5.4.

COURTROOM TECHNOLOGY - The court continued its focus on improving courtroom technology and attorneys' use of it. The Courtroom Technology Advisory Committee met quarterly to obtain attorney input on courtroom technology needs and attorney training. Several improvements to courtroom equipment were made, including purchase

of touchscreen monitors for witness stands and presentation monitors for court reporters so they can easily view electronically-presented evidence. All but two of the courtrooms in the district have DEPS units, and flat screen evidence-presentation monitors for judge, jurors, witness, and attorneys. Attorney training on the equipment is provided upon request. The court also has been working with the Knoxville Bar Association to present a technology seminar in April 2006.

At Chief Judge Collier's suggestion, the court developed a video about the importance of effective use of courtroom technology. In the video, judges from across the district discuss the benefits of using courtroom technology evidence presentation systems, attorneys demonstrate different products and techniques, and a jury foreperson in a complex criminal trial talks about the benefits of courtroom technology from the juror's standpoint. Funding for production of the video was provided by the court's Bench and Bar fund, the Federal Bar Associations in Greeneville and Chattanooga, and the Knoxville Bar Association.

COURTHOUSE FACILITIES - Extensive renovations were completed in Chattanooga to accommodate the change in judicial officers. Approval was obtained from the AO to lease additional space to accommodate the need for additional chambers space as Judge Edgar took senior status, and Judge Mattice came

aboard. New chambers' space was built out for Judge Edgar, and chambers space was renovated for Chief Judge Collier, as new Chief Judge, and for Judge Mattice.

The Joel W. Solomon Federal Building and U.S. Courthouse, otherwise known as the Chattanooga courthouse, received the Southern Building Owners and Managers Association TOBY award for Office Building of the Year in the historical category.

COST-SAVINGS INITIATIVES - Responding to the need to reduce costs as budgets tighten, our court undertook several cost-cutting initiatives. These included implementing CM/ECF modules, implementing CCAM, reducing FPS contract guard services as requested by the AO, reducing payroll costs through early-outs/buyouts and redesigning processes to reduce the time to perform work in the Clerk's Office. We also obtained agreement of the Middle and Western District Courts of Tennessee to standardize the habeas corpus form and made it available on the courts' web sites. The form can be downloaded and potentially save costs by reducing mailing of forms to prisoners.

STRATEGIC PLANNING - The judges attended a seminar on strategic planning and developed a strategic plan for the court. Some of the strategic initiatives established were: to clarify clerk's office/chamber staffs' roles regarding CM/ECF; to ensure timely and accurate

docketing of filed documents; to enhance jury orientation by greater involvement of judges; to increase public outreach and education; and to manage court resources to respond to budget limitations. Significant progress was made in each of these areas and a revised strategic plan is under development.

The Clerk's Office also developed a strategic plan with four primary initiatives: Develop and implement plan for training and replacing skilled personnel who will be retiring; implement activities to increase efficiency and productivity; stay in forefront of technology; and maintain strong internal controls and training in financial areas. The Clerk's Office also has made significant progress in these strategic areas.

JURY MATTERS - In 2005, we refilled our jury wheel. This process was made much more efficient by the fact that voters registration lists are now electronically available from each county and these can be downloaded to our computer database. Further, our Systems Administrator wrote a computer program to draw juror names for each county.

Chief Judge Collier and several Clerk's Office staff attended a jury management seminar. Judge Collier served on a panel with other judges at the seminar. Many good ideas for better jury management were discussed. Our court has implemented some of the ideas including posting notice of changes to trial dates and

juror reporting requirements on our web site. Moreover, we have improved our utilization statistics for jurors not selected, serving or challenged. As of September 30, 2005, our utilization statistics were 28.1%, significantly better than the Judicial Conference's approved utilization goal of 30%.

We also amended our jury plan in 2005 to provide more specific guidance on when names and personal information of petit and grand jurors may be released.

NATURALIZATION CEREMONIES -

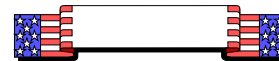
We naturalized a total of 777 new citizens in 2005. One ceremony was conducted in our Greeneville Division with 250 people naturalized. Three ceremonies were conducted in our Chattanooga Division with 140 people naturalized. Two ceremonies were conducted in our Knoxville Division with 387 people naturalized. Victor Ashe, Ambassador to Poland, was the speaker at a ceremony in Knoxville and the immigration officials commented that he was the highest ranking official they had ever known to speak at a naturalization ceremony.

PUBLIC RELATIONS -

We continued to expand our court historian efforts by developing historical displays in each courthouse in the district. Judges and Clerks' Office staff participated in touring groups through our courthouses and speaking to various organizations about the role of the federal judiciary. We also conducted training seminars in association

with the Federal Bar Association in Chattanooga and Greeneville and the Knoxville Bar Association.

TRAINING - We place special emphasis on training employees to keep abreast of the skills needed to meet the ever-changing requirements of the workplace. In 2005, 46 employees of the Clerk's Office received a combined total of 1570 training hours. We also participated in week-long training on the Process Redesign Program led by AO personnel and coordinated by our Human Resources Specialist. By redesigning work processes, we reduced 350 hours from the Clerk's Office work load.



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

2005 ANNUAL REPORT

United States District Judges:

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

Senior United States District Judges:

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

United States Magistrate Judges:

Honorable Juliet Griffin
Honorable Joe B. Brown
Honorable Cliff Knowles

United States Bankruptcy Judges:

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

Judicial Officers:

- Senior Judge Thomas A. Higgins retired from active participation in the Court's caseload effective January 31, 2006. The Court honored Judge Higgins' twenty-two

years of outstanding judicial service with the presentation of his portrait on January 20, 2006. At the ceremony, Judge Higgins was praised by the bench and bar for his commitment to equal justice under the law. Judge Higgins delivered a timeless closing argument that reflected his vast intellect and unique wit.

- Judge Todd J. Campbell became Chief Judge on August 2, 2005, upon the expiration of the term of Chief Judge Robert L. Echols. Chief Judge Echols guided the Court with honor and distinction. The entire Court thanks Judge Echols for his seven years of hard work and outstanding leadership.
- Magistrate Judge Joe B. Brown announced his retirement effective August, 2006. The selection process for a replacement Magistrate Judge is under way. Magistrate Judge Brown has generously offered to work on a recall basis and the Court has requested approval from the Sixth Circuit Judicial Council for 2006-2007.

Statistics:

- There were approximately 1,270 civil cases and 309 criminal cases pending as of the end of calendar year 2005. The number of criminal defendants pending, a more accurate indicator of the Court's criminal workload, was 446.
- Overall case filings for statistical year 2005 were 1,729.
- The judges in the Middle District of Tennessee continue to try a high number of cases. In 2005, the district was seventh in the nation in the number of trials completed per judgeship, far above the national average (34 as compared to 19). The district has conducted more trials during each of the last nine years than any other district in the Sixth Circuit.
- The Middle District of Tennessee is part of a multi-state high intensity drug traffic area with an increasing number of multi-defendant drug conspiracy cases. Since 1994, the number of criminal drug cases has grown by 159% (from 29 in 1994 to 75 in 2004).
- The Court administered the oath of allegiance to 1,514 new citizens in 2004 and 1,969 in 2005. At least three ceremonies a month are conducted in the Nashville division.

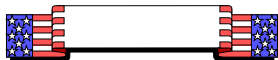
This significant increase in the number of new citizens is representative of the continued growth of the population in Middle Tennessee.

Recent Developments:

- The Middle District of Tennessee went live with mandatory electronic filing (CM/ECF) for attorneys on July 5, 2005. The Court, in conjunction with the local bar associations, launched a District-wide training program on CM/ECF for lawyers. The Court currently has more than 2000 attorneys registered as ECF filers and has accepted more than 165,000 electronic filings to date.
- Judge Robert Echols continues to spend a great deal of time working on the new courthouse in Nashville. A downtown site has been selected and funds have been appropriated by Congress for acquisition of the land and design of the building. The architect is finalizing the exterior design of the building and floor space and is working with the contractor and GSA to agree on the budget. The final concept design is scheduled to be presented to the GSA Commissioner for approval on March 15, 2006.
- Video-conferencing from all divisional courthouses is now

available. The Court has also equipped the divisional courthouses for disaster recovery purposes in the event the Nashville courthouse is rendered unusable.

- The Middle District of Tennessee developed and implemented a “Wi-Fi” wireless computer network in September, 2005 for attorneys to use at the courthouse without charge.
- The Court updated its Jury Plan and Plea Petition forms during 2005.
- Looking to the future, the Middle District of Tennessee is in the process of revising its Local Rules, developing a Court history project, and updating its website.



**ANNUAL REPORT TO THE
U.S. SIXTH CIRCUIT COURT OF APPEALS
FROM THE U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

The year 2005 was one marked with many changes in both personnel and operations for the Western District of Tennessee, and this report focuses primarily on the last seven months of activity.

PERSONNEL MATTERS

On a sad note, the District Court marked the passing of two of its finest jurists. In late June 2004, **Judge Robert McRae**, who had served as the Chief Judge of the Western District from 1979 until 1986, died at age 82. Judge McRae received his undergraduate degree from Vanderbilt University and his law degree from the University of Virginia School of Law. He personally presided over some of the most controversial cases coming before the court during his tenure. He is probably best known and remembered for the role that he played in desegregating the Memphis City Schools in 1972.

On February 22nd, 2006, **Judge Odell Horton, Sr.**, another former Chief Judge, died at age 77. Judge Horton had been appointed to this court in May 1980. A United States Marine Corps veteran



*Hon. James D. Todd
Chief Judge*

born in May 1929 in Bolivar, Tennessee, Judge Horton received his undergraduate degree from Morehouse College and his law degree from the Howard University School of Law. He enjoyed a long and distinguished career in the law, having engaged in the private practice of law, followed by service as an Assistant United States Attorney and a brief tenure as a department director for the City of Memphis before being appointed to the Shelby County Criminal Court. Not long thereafter he served as President of LeMoyne-Owen College, followed by his appointment to serve as a Bankruptcy Judge and, in 1980, his appointment by President Jimmy Carter to serve as a United States District Judge.

While sad to lose our retired judges, we are delighted to welcome back retired **Magistrate Judge James H. Allen, Sr.**, who has accepted another one-year “recall” appointment to help our Magistrate Judges handle the ever-increasing demands of our Eastern and Western Divisions caseloads. Magistrate Judge Allen will be stationed in Memphis and should considerably ease the demands previously placed on Magistrate Judge S. Thomas Anderson as he traveled between Memphis and Jackson covering his case assignments in both Divisions.

The court also welcomed its new Clerk, **Thomas M. Gould**, in June 2005. Mr. Gould received his undergraduate and graduate degrees from the University of Cincinnati and his law degree from the University of Michigan Law School. He was engaged in the private practice of law and served as in-house corporate counsel, specializing in business and transactional law, corporate bankruptcy reorganizations and real estate development workouts, for twenty years in Cincinnati prior to commencing his career in court management. In 1993, he was appointed to serve as the Administrator and Chief Deputy Clerk of Courts for Hamilton County, Ohio, where he remained for ten years before relocating to New Jersey, where he served, first, as Trial Court Administrator and Chief Deputy Clerk of Court for Burlington County and, second, as Manager of Finance and Administration in Trenton for the New Jersey Judiciary’s statewide Information Technology Office.

Tom was brought to the Western District to take advantage of his experience in developing court technology systems and managing financial operations and reorganizations.

In addition to bringing a new Clerk of Court on board, the court recently promoted two of its employees into Chief Deputy positions as part of its plan to provide stronger executive leadership and management succession development. **Wendy Blackledge-Ellis**, a Memphis native, a graduate of LeMoyne-Owen College and an eighteen-year veteran of the court, has become our Chief Deputy of Court Operations, and **Ronald Dowling**, a Louisiana native, a graduate of Christian Brothers University and another eighteen-year veteran, has become our Chief Deputy of Finance and Information Technology. In addition to these leadership changes, the court is undertaking a complete reevaluation of its hiring practices, is implementing mandatory cross-training, is redesigning staff assignments and is revamping its organizational structure to meet the demands and opportunities of current and emerging court technologies and to prepare for the budgetary restrictions and reductions that we will be facing for the near-term.

Six of our employees won the prestigious “Director’s Award” for 2004 in recognition of their extraordinary service in responding to the devastating tornado that demolished our Jackson courthouse in

the Spring of 2004. Our make-shift Jackson office was accepting filings just two days after this storm, and we were holding court just one day later despite there being no power in the city for several more days. This heroic response was a remarkable achievement by a dedicated group of employees.

COURT TECHNOLOGY SYSTEMS

The court has undertaken and completed several important court technology projects since our new Clerk of Court has arrived. **First and foremost, we have completed the implementation of the complete CM/ECF electronic court management and electronic filing system.** While we might have been toward the back of the pack in achieving this, we have jumped to the forefront in our launch of ECF, for on January 1, 2006, we implemented a *100% paperless court system*. On that date, we made electronic filing *mandatory in every case in our district*, including civil, criminal and miscellaneous cases already active on that date as well as all cases filed thereafter. We also created a process for initiating new cases electronically (only a handful of courts nationally have adopted any process for electronic initial filings), so even new causes of action must enter our system electronically.

We are so committed to this *100% paperless court* concept that we did not even order case jackets for 2006, and

indeed, with the exception of Social Security Appeal transcripts, every document filed with our court, including depositions and transcripts, is now filed electronically through CM/ECF or delivered electronically via email (primarily, proposed orders, *in camera* documents and *ex parte* proceedings).

We would be happy to work with any other court, to have your staff visit our court, or to have our staff visit your court, if you believe that any of our processes or systems might be of benefit to your CM/ECF operations. While we believe that we have really accelerated our court to the forefront of electronic case filing and management, we also realize that a good deal of what we have developed and now use has been “borrowed ” from other district courts, particularly a number of courts in the Sixth Circuit. Whatever technology process or program that we have in our district is readily available to any other court that might be able to use it, and if we can be of help in transferring that knowledge, let us know.

One aspect of our ECF implementation that we are particularly proud of is the fact that ***from start to finish we took only four months to design, build, install and launch a completely paperless court system.*** In that time period, aside from the technology installation, we trained over 900 attorneys and their law firm or government agency legal staff by offering classes at a P.C. lab that we

created on-site or by going to most of the larger law firms and area businesses with in-house counsel. The result was that we have now have registered over 1,500 ECF users. This could not have been accomplished without a dedicated staff, without a group of Judges who embraced the concept of an electronic court system and, as noted, without a lot of help from our neighboring district courts or courts with on-line materials and the A.O. staff, on whom we relied for all sorts of advice, counsel and technical solutions.

A second automated process that we developed over the summer and that has been working perfectly since early September is our **Automated CJA Attorney Appointment Program**. Our earlier process for contacting and appointing CJA attorneys was fraught with problems, mostly related to accountability, reporting, and ensuring randomness in the appointment process. We thought that we were doing a good, fair job of assigning cases, but we could not prove it and had no data to report or rely on.

During August, we designed and installed a completely new computerized system for directing all of our CJA appointment activities. It provides immediate, real-time reporting of all attorney contacts and appointments, it has an on-line, Web-based public access component that allows CJA attorneys to go to our Web site on Friday afternoons to see whether and in what order they will be contacted for case assignments the next

week, and, most importantly, the algorithm that drives the computerized attorney contact priority list is designed to keep all attorneys in balance in terms of contacts and assignments. The data reports generated by this system clearly reflect that cases are now assigned at random but in a manner that strives to equalize the number of appointments among panel participants. ***This automation system is available to any other court that might be interested.***

Yet another technology project that has been quite successful is the development of our **Courtroom Technology Program**. **First, in terms of technology tools, we have completed the installation of a number of new courtroom technologies in each of our courtrooms.** One such tool is the new drop-down 9'x12' visual screen for demonstrating evidence to the court or jury. The use of this screen allows for full-page documentary evidence viewing (in lieu of having to scroll through exhibits), zooming-in on otherwise too-small-to-amplify photos (such as bullet-holes, fingerprints, smudges and minute markings and the like), complex technical diagrams and other evidence and, best of all, we have installed a video-capture tool that allows counsel to take a snap-shot of whatever is projected on this huge screen, which means that otherwise lost courtroom images can be preserved for the record and/or jury deliberation process.

A second, equally exciting, part of this Courtroom Technology Program is the hands-on, individualized training session that we offer to attorneys several times a month. In October the Clerk's staff offered its first hands-on technology CLE session to attorneys, a session where the staff demonstrated via a mock trial scenario virtually all of our many court technologies. The courtroom was packed to capacity with over 100 attorneys, and after that session groups of ten to fifteen were signed up to come to the courthouse with their laptops and documents so that we could work with them on how to use all these technology tools. Away from juries and judges, the attorneys spent several hours with our I.T. staff getting trained on this equipment in order to enhance their use of it. These sessions have been so popular that they are still offered each month or on an emergency basis for some of the more complex trials. The goal of this program is to enhance, promote, and facilitate the use of electronic and digital technology in the courtroom to further develop the concept of a *paperless court system*.

The following technology projects have also been completed:

(1.) As part of our jury management changes aimed at improving our juror utilization rates, we are completing **the installation of a computerized juror selection and call-in system** to replace our previous manual, non-compliant

process that had required staff to respond to hundreds of phone calls each week;

(2.) Continuing our efforts to fully maximize the benefits of digital records, we are developing along with our Probation Office and Pretrial Services, through our shared I.T. services staff, a **paperless administrative office system**, whereby we are converting our administrative records (personnel, finance, etc.) and the other agencies' case records to digital-based electronic records; and

(3.) We completed adoption of new policies and procedures and technical systems **to become fully E-Gov Act compliant.**

FINANCIAL SYSTEMS AND OPERATIONS

Since early July 2005 we have undergone a series of three in-depth financial audits in the District. Based on the findings in these audits and trying to take advantage of available software programs that can automate and integrate a wide variety of financial record-keeping and reporting functions, **we are undertaking the complete overhaul of our financial systems.** This project includes the development of an entirely new internal controls system, the reorganization of our daily financial operations as well as the redesign and installation of computer-based inventory control and accounting systems. Under the Clerk's direction, our administrative staff

has begun this process with the redesign of our front-end cash register and receipting system and will continue this re-engineering work all the way through final A.O. reporting functions, connecting to the A.O.'s *FAS4T* financial management system at various key points in the process. This will be a twelve-month project that we believe will result in a highly visible and transparent state-of-the-art, easily auditable financial management package that we will make available to any courts that might have an interest in these sorts of systems.

JUDICIAL CASELOADS

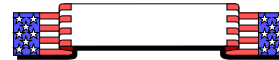
District-wide, compared to 2004 our overall **case filings** for 2005 have dropped a bit over 6% though our filings are higher than each of the other years since 2000. Our **terminations** for 2005 are about 5% higher than the previous year and the highest of the last six years, but we've also experienced an 8% jump in our **pending cases** compared to 2004. As our number of judgeships has remained constant we had a predictable drop in **total filings per judge**. On the other hand, we booked the same number of completed **trials per judge** in 2005 as we did in 2004 (ranking 28th among all districts), and our **per judge rate of terminations** increased by a sizable 5%. We showed a significant gain (a 7% improvement) in our **jury utilization rate** for 2005 compared to the prior year. Our other statistics were more-or-less consistent between 2004 and 2005. In an effort to enhance some of the above results and better utilize our Magistrate Judges, we are completing the planning and automation changes required to **place our Magistrate Judges on the "assignment wheel"**.

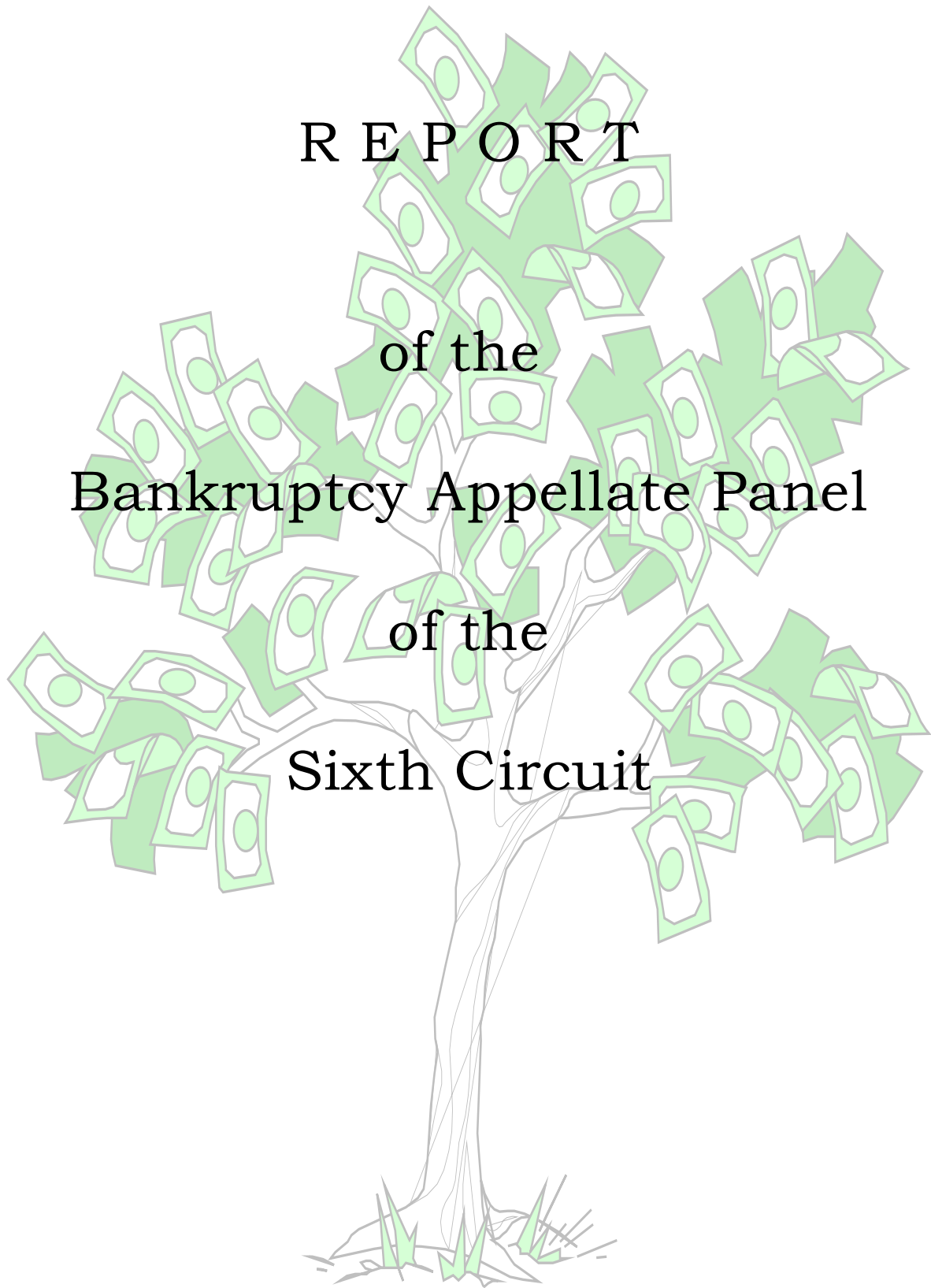
The Western District of Tennessee has undertaken many new projects over the last several months and we hope to become a recognized leader in the areas of court technology systems and financial management.

Respectfully submitted,

s/James D. Todd

James D. Todd, Chief Judge
Western District of Tennessee





R E P O R T

of the

Bankruptcy Appellate Panel

of the

Sixth Circuit

BANKRUPTCY APPELLATE PANEL OF THE SIXTH CIRCUIT

2005 Annual Report Hon. J. Vincent Aug, Jr., Chief Judge

The Bankruptcy Appellate Panel of the Sixth Circuit opened for business January 1, 1997, and has now concluded its ninth full year of operations hearing bankruptcy appeals in the Northern and Southern Districts of Ohio, and its fourth year hearing appeals in the Western District of Tennessee. It remains widely accepted by the bar and the parties in those districts. By Administrative Order entered September 8, 2005, and effective October 1, 2005 until December 31, 2007, the BAP was authorized to hear appeals in the Western District of Michigan. The BAP is hopeful that after the initial trial period, the Western District of Michigan will permanently authorize appeals to the BAP. The BAP hears appeals from the bankruptcy courts when all parties consent, and in 2005, the parties consented to BAP jurisdiction in

65% of the bankruptcy appeals in the four BAP authorized districts.

New Case Filings

In 2005, there were a total of 127 appeals filed from bankruptcy decisions in the four BAP authorized districts. The appellants elected to have their appeals heard by the district court in 35 (28%) of these cases and the appellee elected for district court review in 10 (7%) of these cases. Consequently, the BAP will hear and decide 82 (65%) of the bankruptcy appeals filed in 2005.

Terminated Cases

During 2005, the BAP terminated 86 cases. The terminations are shown in the following chart.

Opinion	24
Voluntarily dismissed	35
Dismissed for lack of jurisdiction	9
Dismissed for want of prosecution	11
Denial of petition for leave to appeal	5
Remanded or transferred by panel	2

Of the 24 appeals terminated by opinions on the merits, 6 were precedential and 18 were of limited precedential effect. The average time for deciding these 24 appeals was 76 days after submission.

Appeals from the BAP to the Court of Appeals

In the nine-year history of the BAP, as of February 15, 2005, the BAP has issued 212 opinions on the merits. Sixty-three (30%) of these decisions have been appealed to the court of appeals. The court of appeals has issued 37 decisions reviewing BAP opinions and affirmed 30 (81%). The court of appeals has dismissed 20 appeals and 6 are still pending.

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

owed to the states may be dischargeable. The Supreme Court granted *certiorari* on September 30, 2003. On May 17, 2004, the Supreme Court issued its opinion affirming, on alternate grounds, the Sixth Circuit and the BAP decisions and finding that the states are bound by a bankruptcy court's decision discharging a debtor's student loans. The Supreme Court did not, however, answer the question of whether the Constitution's Bankruptcy Clause gives Congress the power to abrogate states' sovereign immunity.

On January 23, 2006, in *Central Virginia Community College v. Katz*, 126 S. Ct. 990, (2006), the Supreme Court, in a 5-4 decision, issued a significant decision in which, relying in part on their reasoning in *Hood*, it rejected the sovereign immunity defense advanced by the state agencies.

During 2005 and continuing into 2006, cases establishing and clarifying the meaning of "undue hardship" for discharge of student loans have been very prevalent on the BAP docket.

Mediation by the Office of the Circuit Mediators

One of the unique and valuable advantages to litigants who consent to the BAP is the availability of the Office of the Circuit Mediators. The staff of this office is highly qualified to facilitate settlements

of disputes at the appellate level, and the office has a demonstrated record of success in mediating BAP appeals. During 2005, the office mediated 48 cases and settled 29 (60%) of them. The BAP and its litigants certainly appreciate the mediators' efforts in assisting with case resolution.

The Judges of the Bankruptcy Appellate Panel of the Sixth Circuit

The current BAP judges are Bankruptcy Judges J. Vincent Aug, Jr., (S.D. Ohio), who became Chief Judge on January 1, 2004, James D. Gregg (W.D. Mich.), Jennie D. Latta (W.D. Tenn.), Marcia P. Parsons (E.D. Tenn.), Joseph M. Scott, Jr. (E.D. Ky.) and Mary Ann Whipple (N.D. Ohio). Judges Parsons and Scott began their service on the BAP during 2005.

We express our thanks and appreciation to all of the former Bankruptcy Judges who have served on the BAP for their exceptional service in creating the smoothly running institution we now enjoy. These Judges are:

Hon. Randolph Baxter (N.D. Ohio)
Hon. William H. Brown (W.D. Tenn.)
Hon. John C. Cook (E.D. Tenn.)
Hon. William S. Howard (E.D. Ky.)
Hon. Keith M. Lundin (M.D. Tenn.)
Hon. Pat Morgenstern-Clarren (N.D. Ohio)
Hon. Steven W. Rhodes (E.D. Mich.)
Hon. David T. Stosberg (W.D. Ky.)
Hon. Thomas F. Waldron (S.D. Ohio)

REPORTS
of the
United States Bankruptcy Courts
of the
Sixth Circuit



The Nathaniel R. Jones
Federal Building and U.S. Courthouse
Youngstown, Ohio

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

**JOSEPH M. SCOTT, JR.
CHIEF JUDGE**

Filing Statistics

	2004	2005
January - September	9,900	12,253
October	1,035	6,308
Total	10,935	18,561

A record number of cases were filed the first 16 days of October 2005 prior to enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. The filings for October 2005 were 609% greater than October 2004.

Inventory Management System

In early 2005, the court implemented a new inventory management system (AssetWin). Existing databases of furniture, equipment, and telephones were converted to the new program. Users were trained on the new software, including how to use bar-code readers to enter new items into the inventory and how to scan existing items. The various reporting features offered by this product plus the integrating of several databases into one standard is streamlining the inventory management process.

Certifying Officer Implementation

2005 marked the first full year in which our District operated under Certifying Officer procedures after having implemented this change in November 2004. The process for payments to vendors, trustees and employees

has been automated by utilizing features available through FAS4T, thereby reducing the necessity to photocopy records and provide paper copies to District Court. During 2005, the Bankruptcy Court processed almost 650 payments totaling just over \$1,000,000. Certifying Officer implementation has saved generated savings on both photocopying and postage expenses.

Internet Payment of Filing Fees

In August 2004, pursuant to AO guidance, the Bankruptcy Court converted to Pay.gov software to process Internet payment transactions directly to the US Treasury. During 2005, Pay.gov processed Internet payments totaling in excess of \$4.5 million for our court. By allowing filers to pay fees on-line, the clerk's office no longer physically handles the volume of cash, checks and money order transactions that we once did. The total number of credit card transactions exceeded 16,000 in 2005.

Training

Since last years report, we have trained 443 more attorneys and their staff for a total of

1843. We have also trained 193 creditors on filing Proofs of Claim/Reaffirmation Agreements/Transfers. These training sessions are live training given at our Lexington Division offices. The District Court also uses our training room for their training.

The entire staff of 42 attended 3 one-hour training sessions on computer security. The entire staff also attended 2 hours of training on using the new telephone system.

We had 1 hour training offered to the entire staff on "Investing 101". We also had 1 hour of "Trusts and Estate Planning" offered to the entire staff. Members of the local bar provided the training.

Two financial employees received AO sponsored Contracting Officer procurement training. This training is one component required to meet the levels established by the AO.

New Telephone System

In August 2005 we installed an Avaya 8710 media server with Avaya 2410 and 2420 telephones and a Modular Messaging voice mail system. The new system provides voice and voice mail services for the Eastern District of Kentucky Bankruptcy Court, Probation, and a Sixth Circuit Court of Appeals Judge's local office.

Employee Community Involvement

Blood Drive –

In November 2005, we spearheaded a blood drive allowing all building tenants to

participate in giving blood in a bloodmobile parked outside our building.

Flu Shot Clinic –

On November 7, 2005, the Clerk's Office set up a Flu Shot Clinic in one of our courtrooms. Nurses from the local health department administered the shots. This is an annual event with invitations going out to all employees who work in the federal building, the 6th Circuit Court of Appeals Judge and staff, the U.S. Attorney's office, and in the building where the Bankruptcy Court is located. Approximately 48 people received flu shots.

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

- ▶ Emerson Center (assisted living home)
- ▶ Board Member, Friends of the Arts School
- ▶ Salvation Army
- ▶ Board Member, God's Pantry
- ▶ Community Venture Corporation
- ▶ YMCA Black Achievers
- ▶ President, Junior League of Lexington
- ▶ Bluegrass Women United
- ▶ President and Board Member, Music Institute of Lexington
- ▶ Lexington Advisory Board
- ▶ Kentucky Refugee Ministries
- ▶ School and sports activities too numerous to mention

Digital Fingerprinting Equipment

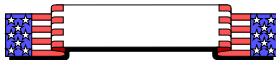
Digital fingerprinting equipment was purchased in 2005 to comply with the new background checks and investigations requirements.

Jane A. Cadle Memorial Award for Administrative Excellence

In honor of our employee Jane A. Cadle who died as a result of an auto accident on Mother's Day 2005, the annual Administrative Excellence Award was re-named the Jane A. Cadle Memorial Award for Administrative Excellence. The award includes \$500.

Clerk

Our Clerk, Jerry D. Truitt, Esq., is serving a term on the AO Bankruptcy Noticing Advisory Group.



UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF KENTUCKY

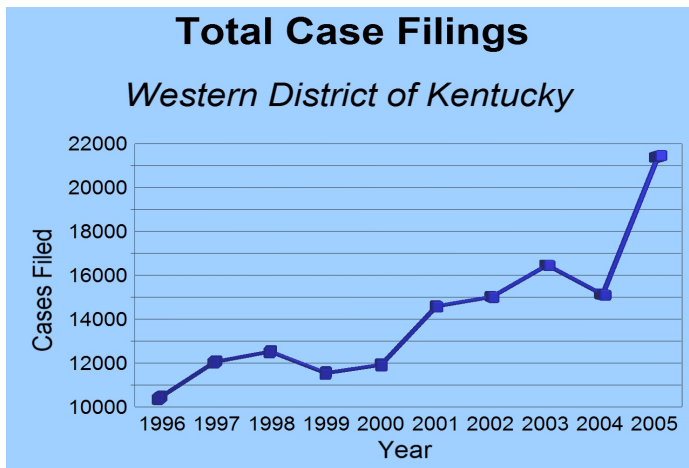
ANNUAL REPORT

Joan L. Cooper, Chief Judge
2005

Statistics. For the past decade the Bankruptcy Court for the Western District of Kentucky has experienced increasing caseloads beyond anyone's imagination. In 1996, the Court's three judges managed slightly more than 10,000 bankruptcy cases. In 2005, the Court's three judges are managing a caseload of over 21,000 bankruptcy cases.



Hon. Joan L. Cooper
Chief Judge



Participation in Activities that enhance the Judiciary. Judge David T. Stosberg has served on the Judicial Conference Committee on the Administration of the Bankruptcy System and is currently the Treasurer of the National Conference of Bankruptcy Judges. Judge Stosberg also served as a Visiting Judge in the Western District of Michigan, Eastern District of Kentucky and the Middle District of Tennessee.

Appointment of Chief Judge Joan L. Cooper. On January 1, 2006, the District Court for the Western District of Kentucky appointed Joan L. Cooper as Chief Judge to succeed David T. Stosberg. Each Chief Judge serves a seven-year term.

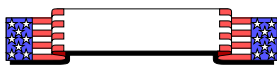
The Clerk of Court, Diane S. Robl, currently serves on the Bankruptcy Court Advisory Group and the Budget and Finance Advisory Council.

BAPCPA Implementation. The United States Bankruptcy Court was

unique in their approach to the implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). The Court conducted Attorney/Paralegal Seminars prior to the implementation of the new Act to prepare attorneys and their staff for the changes that would occur in their work with the Clerk's Office. Approximately 750 attorneys and paralegals were trained in the two weeks prior to implementation and the week of implementation. While the training created an additional burden for the Clerk's office it was well received by the Bar and provided opportunities to explore in greater detail how the new Act would affect Bankruptcy practice.

CM/ECF. The Western District of Kentucky Bankruptcy Court has been operating on CM/ECF since August 15, 2002. At this time, approximately 98% of all filings are electronic saving considerable work on the part of the Clerk's Office.

AESOP (An Electronic Signing Order Program). The Bankruptcy Court continues to use and develop AESOP. The program is being used by several other courts.



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

**REPORT TO THE SIXTH CIRCUIT
FOR CALENDAR YEAR 2005**

STATISTICS

The number of petition filed in the district rose to 65,778, surpassing the previous record number of cases in 2004 by 40%. The impact of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 resulted in 19,809 cases filed in the month of October. The number of cases filed the week prior to the effective date of the new law was 15,434.

The Court passed a resolution expressing their thanks and appreciation to the members of the clerk's office staff for their extraordinary efforts during the onslaught of unprecedented filings. Their efforts demonstrated a genuine and admirable commitment to the mission of the court and to public service.

ADDITIONAL JUDGESHIPS

The passage of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 authorized one additional judgeship for the district. An announcement regarding the successful candidate for this vacancy is expected in the spring of 2006. The new judge's official duty station will be either in Bay

City or Flint, with the other city designated as an additional place of holding court. The need for additional judges in the district continues to be justified by the weighted filings per judge. A request by the Circuit and Judicial Conference for three additional judges is pending before Congress.

**CASE
MANAGEMENT/ELECTRONIC
CASE FILES**

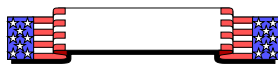
The Court converted to the case management portion of the Case Management/Electronic Case Files system over Memorial Day weekend 2005. In the month prior to conversion, the BANCAP system was unreliable and barely operational resulting in an unprecedented backlog of docketing, the granting of discharges and the closing of cases. Despite working overtime and on weekends, there appeared to be no end to the mounds of pleadings and case files that required processing. The Court acknowledges with grateful appreciation the clerk's office staff from the Western District of Michigan, Southern District of Ohio, Eastern District of Kentucky and the Western District of Kentucky for their

assistance in our effort to cure the backlog of work after conversion to the new system.

Training for electronic case filing began with an advisory group in June followed by the Office of the U. S. Trustee, panel trustees, chapter 13 trustees and their staff. The first training wave for high volume filers began in July and the court went live on electronic filing on August 1, 2005. The number of attorneys registered as e-filers exceed 1,500 and approximately 3,000 attorneys and staff members have been trained to use the court's electronic filing system.

THE BANKRUPTCY BAR

Bankruptcy practitioners in the Eastern District of Michigan continue to provide substantial support to the Court in our *pro bono* and mediation programs and in continuing legal education.



ANNUAL REPORT TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
BY
THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
2005

Case Filings and Division of Cases.

Bankruptcy case filings for the calendar year 2005 totaled 23,499. Like most courts, we were deluged with cases filed in the first two weeks of October which swelled our monthly filings to 7470, an all time monthly filing record. This was the fifth consecutive year during which our court has handled a record number of filings. The record filing levels also created an unprecedented demand for the scheduling of 341 first meetings of creditors throughout our district.

Filings of adversary proceedings during calendar year 2005 totaled 1680 cases. This represents nearly a threefold increase over the 625 adversary proceeding cases filed in calendar year 2001, and an increase of 459 cases over calendar year 2004.

The three bankruptcy judges each continue to handle approximately one-third of the total case and adversary proceeding dockets. Throughout 2005, the responsibilities to travel to court locations were: Chief Judge Jo Ann C. Stevenson - Grand Rapids and Lansing; Judge James

D. Gregg - Grand Rapids, Kalamazoo, and Traverse City; and Judge Jeffrey R. Hughes - Grand Rapids, Kalamazoo, and Marquette. Regular travel to the satellite court locations continues to be time consuming and difficult, especially with the increased number of additional cases which have been filed in the satellite locations.

Court Personnel.

Our court continued its efforts to do more with less in 2005 by requesting and obtaining buy-out and early-out authority for staff reduction from the Administrative Office. As a result, we had two full-time employees accept a buy-out and early retirement. At the end of calendar year 2005, our court had reduced to 39 full-time clerk's office employees and six chambers' employees.

Automation.

Effective January 1, 2005, all petitions, pleadings, and other papers filed in all cases and proceedings were to be filed electronically in accord with the court's administrative procedures. The

Bar embraced this transition and the heavy bulk of case filings before the effective date of BAPCA were absorbed by the clerk's office in an efficient manner.

Our court's move from the Ford Federal Building into commercial leased space provided an opportunity to enhance our automation and electronic systems. All the courtrooms in Grand Rapids now have state-of-the-market sound systems, court recording systems, and evidence presentation systems available. All courtrooms are also setup for our increasing video and teleconferencing, rather than relying upon a portable but heavy video conferencing system that we formerly shared with the District Court.

The greatest achievements in automation were the result of the construction at our new courthouse at One Division, NW, in Grand Rapids. The number of access points to the DCN and to the phone system have been increased to allow for access from virtually anywhere within the space. The data highways are now "paved" with the latest, most reliable, and fastest wired cable and fiber-optic cable available. The controlling instruments and components of the data traffic on the network, as well as the video and audio traffic, are also state-of-the-market as well. There are now three conference rooms equipped with Polycom conference phones (two on the 2nd floor, one on the 3rd floor) instead of just one at the Ford Federal Building; our 3rd floor

conference/jury suite is also equipped with a Polycom conference phone.

The Federal Judiciary Television Network (FJTN) is now available at three viewing monitors instead of solely at the District Court's Jury Assembly Room in the Ford Federal Building. This obviously allows greater flexibility for viewing but also for recording. We now have the capability of recording broadcasts from three viewing stations to either VHS tape or to DVD as well as streaming video to individual PCs using your browser (<http://video.miwb.circ6.dcn>).

Our court now has its own training room equipped with the latest projection equipment and sound system. There are 12 training workstations, plus one trainer workstation, with enough capacity to comfortably seat everyone and room to expand if necessary. The FJTN can be viewed from this area, as well as the 2nd floor conference/training room.

And, finally, the automation server room now has a climate control system that is far more reliable and much quieter than the one we had at the Ford Federal Building. So, from the server room to all the voice/data/sound distribution points on the two floors to the courtrooms and office space throughout, the court and automation have taken considerable strides to provide a newly leased courthouse space that is capable of providing automation services for years to come.

Telecommuting.

In 2005 we were presented with the opportunity of having an important employee telecommute. When the Chief Judge's calendar clerk was required to move to Georgia because of her husband's transfer, we were able to retain the benefit of her experience and work ethic and give her the option of retaining her position. This saved the court the time, expense and work of training a new calendar clerk. With the assistance of the Automation Department, the Internet, the telephone and fax machines, the calendar clerk is able to perform her duties by telecommuting from her home in Georgia.

Financial.

Our court experienced a thorough, routine audit commissioned by the Administrative Office of the United States Courts during the period of February 22 through March 5, 2005. We were pleased that the findings reflected the careful, diligent work of our financial staff.

Our court's website gives easy access to our unclaimed funds database and also includes the required forms for seeking return of funds. During our FY'05, we were able to return \$100,400 in unclaimed funds.

Space and Facilities.

After many years of planning and preparation, our court moved all operations from our 21,000 square feet in the Gerald R. Ford Federal Building to

42,000 square feet of commercial leased space six blocks away. The leased space is in a building shared by several State of Michigan agencies and owned by the City of Grand Rapids. Before this welcome move into the correct amount of allotted space for the size of our operations, our court had operated for years in very tight quarters.

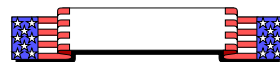
The move occurred on October 1, 2005, less than three weeks before the effective date of BAPCA. The court is indebted to Judge Jeffrey R. Hughes for his many hours of work on this project and to the capable staff of our clerk's office who handled this most stressful month of October in exemplary fashion.

Conclusion.

As George Bernard Shaw once said, "Progress is impossible without change."

The year of 2005 will be remembered in our court for the successful implementation of mandatory electronic filing, enactment of the revised Bankruptcy Code and the heavy case filings which preceded the new statute, and a complete movement of staff and operations into a new leased facility. We look forward to the challenges of 2006!

Respectfully submitted,
Jo Ann C. Stevenson, Chief Judge
United States Bankruptcy Court





**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
2005 Annual Report**

The United States Bankruptcy Court for the Northern District of Ohio has become one of the busiest courts in the nation.

Judiciary

Our district is served by a full complement of judicial officers (8). Notwithstanding, the weighted caseload report reflects a need for additional judgeships. The judges serving in 2005 are listed by the city in which they serve: Honorable Randolph Baxter, Chief Judge, Cleveland; Honorable Richard L. Speer, Toledo; Honorable Marilyn Shea-Stonum, Akron; Honorable Pat E. Morgenstern-Clarren, Cleveland; Honorable Russ Kendig, Canton; Honorable Mary Ann Whipple, Toledo; Honorable Arthur I. Harris, Cleveland; and Honorable Kay Woods, Youngstown.

The Honorable Randolph Baxter was reappointed by the United States District Court for the Northern District of



*Hon. Randolph Baxter
Chief Judge*

Ohio to serve a second two-year term as Chief Judge of the United States Bankruptcy Court. This subsequent appointment became effective in January 2006.

The Honorable Randolph Baxter was assigned by the Circuit to sit in Wilmington, Delaware, as a visiting judge from April 2005 through March 30, 2006.

The Honorable Mary Ann Whipple was appointed to serve a four-year term on the Bankruptcy Appellate Panel for the Sixth Circuit beginning January 1, 2004. She continues in this service.

The Honorable Marilyn Shea-Stonum continues to serve as editor-in-chief of The American Bankruptcy Law Journal (ABLJ), a quarterly law journal of the National Conference of Bankruptcy Judges. The ABLJ is the only peer-reviewed law journal focusing on bankruptcy and related issues.

The Honorable Richard L. Speer and the Honorable Randolph Baxter celebrated their 30th and 20th judicial service anniversaries, respectively, in 2005.

Caseload Data, Staffing and Budget

There were 75,066 bankruptcy cases filed in calendar year 2005 in the Northern District of Ohio. This represents an increase of 58%, and is cumulative from the 14% increase in 2002, a 15% increase in 2003, and a 2% decline in 2004. The breakdown of filings for 2005 by chapter includes 87% Chapter 7 cases and 13% Chapter 13 cases. Cases filed under Chapter 11 accounted for less than .2% of total filings for the year. The latest filing statistics from the Administrative Office for the twelve months ending September 30, 2005, show the Northern District of Ohio ranking as the third busiest bankruptcy court nationally in terms of case filings, following the Central District of California and the Northern District of Illinois.

The Clerk's Office experienced a decrease in staff in FY 2005 as a result of offering the buyout and early-out options in FY 2004. Ten staff accepted the retirement incentives that were offered nationally due to the austere budget that year. In 2005, seven temporary staff were added to assist in managing the anticipated filing increase brought about by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), that was signed by the President in April 2005. The Clerk's Office therefore rose from 102.4 positions at the commencement of FY 2005 to 107.5 positions, including turnover. Between October 1 and October 16, 2005, there were 26,100 cases filed, which accounted for the significant increase in filings in 2005 noted in the paragraph above. These cases were managed primarily through the Court's electronic filing system, Case Management/Electronic Case Filing (CM/ECF). CM/ECF became fully operational in 2003 and the Court required attorneys to file cases and other pleadings electronically effective January 1, 2004. It was due to the availability of CM/ECF that the Clerk's Office was able to manage the historically significant case filings in September and October 2005. At this time there are 3,700 registered attorneys and 648 creditors signed up for electronic filing of documents. Staff currently docket only 20% of all docket events. Thirty-four percent of docket events are managed automatically, taking benefit of a fully automated and technically advanced CM/ECF system. Attorneys docket 27% and trustees docket 19% of all transactions. While less than 1% of all

transactions are entered by claims agents, this represents 60% of all claims filed with the Court.

The clerk's office operated on a budget of \$7,313,770.20 and collected revenue of \$16,727,334.56 in FY 2005. These figures demonstrate that the revenues collected far exceed the operating costs of the Court. All fees collected are transferred to the Federal Reserve and enure to the benefit of the entire judiciary. \$973,096.52 was deposited with the Court as unclaimed monies following trustees' distribution of the estate. \$629,155.25 of those funds were later redistributed. The Court has placed the unclaimed funds account on our internet web site to facilitate the distribution of estate funds.

Space and Facilities

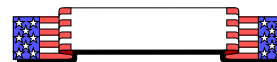
District-wide construction projects have focused significant attention on the overall improvement of facilities in which the Court operates. The three-year, \$45 million renovation to the Howard M. Metzenbaum U.S. Courthouse was completed in June 2005 allowing Chief Judge Randolph Baxter, Judge Pat E. Morgenstern-Clarren, and Judge Arthur I. Harris to reoccupy this historic structure. The lease-construct project in Canton, which is anticipated to be completed in 2008, will create a new court facility that will meet the requirements of the U.S. Courts Design Guide as well as the current courtroom technology requirements. The GSA's Design Excellence process continues and will involve the Honorable Russ Kendig in the selection of a

design/build team for the new federal complex in which the Bankruptcy Court will be in a stand-alone building. This facility will create new space for the Information Technology staff as well as the CM/ ECF servers, and house this critical equipment in a facility that will meet the Court's requirements now and into the future. Planning for future renovations of the U.S. Courthouse and Custom House in Toledo is being delayed as a result of the Judicial Conference moratorium on courthouse construction projects, which is impacting the new Toledo U.S. courthouse that had previously received site and design funding.

Strategic Planning

Our strategic planning efforts, which commenced in February 1997, continued throughout 2005. The strategic plan was refreshed with new key result areas and goals in April, and the work of the strategic planning group will continue in 2006 with the planning of the fourth biennial bench-bar retreat. The Court is assisted by an attorney constituent group participating in the Court's planning efforts.

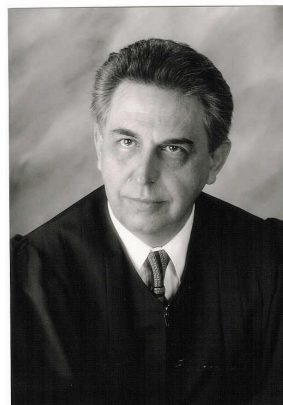
Hon. Randolph Baxter
Chief Judge
United States Bankruptcy Court
Northern District of Ohio



REPORT OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
SUBMITTED FOR THE
SIXTH CIRCUIT JUDICIAL CONFERENCE
MAY 17-20, 2006

The *United States Bankruptcy Court for the Southern District of Ohio* has experienced momentous changes since the last Circuit Conference. These changes include, but are not limited to, the largest number of bankruptcy cases filed in the District's history, the most extensive changes to bankruptcy law since 1978 [as a result of the enactment of the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA)], the retirement of Judge Barbara J. Sellers (Columbus), the appointment of her successor, Judge C. Kathryn Preston (Columbus) and the retirement, after several recall terms, of Judge William A. Clark (Dayton).

Additionally, by the end of this year, the District will also have suffered the loss of Derrick Bolen, who successfully served as Information Technology Director and saw the District through the complicated transition to Electronic Case Filing (ECF). More significantly, after 32 years of Court service, the last 17 as Clerk of the Court, Michael Webb will be retiring on December 31, 2006. A search committee to select the next Clerk has been formed and is active. These losses are offset,



Hon. Thomas F. Waldron
Chief Judge

somewhat by the appointment of Judge J. Vincent Aug, Jr. to succeed Judge Thomas F. Waldron as Chief Judge.

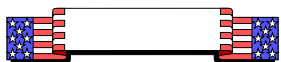
The *Court's* current judges are: Thomas F. Waldron, Lawrence S. Walter - Dayton; Charles M. Caldwell, John E. Hoffman, Jr., C. Kathryn Preston, Donald E. Calhoun, Jr. (Recalled) - Columbus; and J. Vincent Aug, Jr. (Chief), who also serves as Chief Judge of the Sixth Circuit Bankruptcy Appellate Panel,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

The District's increase in bankruptcy filings continues undiminished, with the *Court* experiencing its largest number of cases ever filed during a twelve month period - 60,823 for the 2005 calendar year, which includes 32,231 cases filed in the two and a half month period from August 1, 2005 through October 16, 2005 (the day before the effective date of BAPCPA). The *Court* would not be able to fulfill its responsibility occasioned by such an extraordinary caseload without the many hard working and dedicated members of the Clerk's office who have continued their excellent tradition of service. This has been a particularly challenging task, since, in addition to retaining existing procedures, everyone has been required to learn new procedures required by the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA).

The *Court* has also continued its strong relationship with the bar, including its Bench-Bar Conversations. The most recent one on March 29, 2006 focused on changes connected to BAPCPA.

There is other significant *Court* information available at the web site www.ohsb.uscourts.gov.

Respectfully submitted,
Thomas F. Waldron
Chief Judge



REPORT OF THE BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

The Bankruptcy Court for the Eastern District of Tennessee serves forty-one counties and is comprised of a headquarters office in Chattanooga, with divisional offices in Knoxville, Greeneville, and Winchester. Four bankruptcy judges, John C. Cook, Richard S. Stair, Jr., Marcia P. Parsons, and R. Thomas Stinnett, serve the district. The court makes the following report:



*Hon. John C. Cook
Chief Judge*

Case Filings

A record number of bankruptcy cases were filed in the Eastern District of Tennessee for 2005. Bankruptcy case filings rose 15.2% over the previous year for a total of 22,471, and adversary proceedings rose by 6.33% for a total of 739. As was true in most bankruptcy courts across the country, the district encountered a large increase in filings during the 45 days prior to the effective date of the new bankruptcy act on October 17, 2005. From January 2005 through August 2005, the district averaged 1,687 bankruptcy filings per month. From September 1 through October 17, 2005, the district had 8,317 bankruptcy filings.

Personnel

Donna Temple, the chief deputy clerk, retired after 39 years of service. Also, four other employees retired during the year, and three of those retirees accepted buy-out offers pursuant to the buy-out plan announced by the Administrative Office. To replace our retiring employees, three new appointments were made.

Service pins were given to ten employees in the district. We gave out one 30 year pin, one 25 year pin, four 20 year pins, and four 15 year pins. The district continues to enjoy a very low rate of personnel turnover.

Operations

Our bankruptcy court went live on CM/ECF Version 2.6 on May 17, 2005. CM/ECF training rooms were set up in all three divisional offices and personnel from the clerk's office trained approximately 770 new users. We now have approximately 1,285 registered users of CM/ECF. Along with the CM/ECF system we also implemented the E-orders program, a new cash register system, pay.gov, case upload, CHAP calendar program, new administrative procedures, and new local rules.

Financial

Our court financial department underwent a major change during 2005. In essence, all of the district's financial processes were consolidated into one financial center in Chattanooga. Also, during 2005, the bankruptcy court deposited \$5,662,385.15 into the U.S. Treasury. Of that amount, \$1,225,110.16 represented deposits in October.

Procurement

In FY 2003, we began purchasing and installing 18" dual monitors for the majority of our case managers and courtroom deputies. We also began replacing PC's according to our cyclical plan. In FY 2004, we continued replacing

PC's for all of the case managers and dual monitors for our chambers staffs. At the end of FY 2005, we completed our purchase of replacement PC's and dual monitors for the remaining staff members and chambers staffs.

Statistical Reporting

Prior to implementation of CM/ECF each divisional office prepared separate statistical (SARD) reports. Those reports were then consolidated and transmitted to the Administrative Office, Statistical Division. Since implementation of CM/ECF, SARD reports for the district are prepared in the Chattanooga Office. Copies of the district report are then distributed to the judges and administrators for each divisional office.

John C. Cook
Chief Bankruptcy Judge
Bankruptcy Court
Eastern District of Tennessee



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

The bankruptcy courts of this nation were inundated with record filings this fall and the Middle District of Tennessee was no exception.

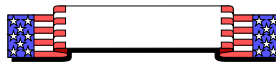
In spite of this onslaught, the clerk's office dealt with it efficiently and professionally. This was facilitated by CM/ECF which has also proven to be a boon in other areas. The court was particularly happy that it decided to make electronic filing a requirement rather than an option.

Judge Keith Lundin is teaching at the University of New Mexico School of Law under the court's sabbatical program. He is serving as an adjunct professor of bankruptcy law in Albuquerque.



*Hon. George C. Paine II
Chief Judge*

Lastly, the court has hired a new Chief Deputy, Matthew Loughney, who had previously served as a law clerk to the Hon. L. Edward Friend, II, of the U.S. Bankruptcy Court for the Northern District of West Virginia. He is a graduate of Virginia Tech and an Air Force veteran who attended West Virginia University Law School after leaving the service. He is a major in USAF Reserve JAG Corps.



2005 ANNUAL BANKRUPTCY COURT REPORT for the Western District of Tennessee

Since going fully “live” on the Case Management/Electronic Case Filing System (“CM/ECF”) in January 2004, the United States Bankruptcy Court for the Western District of Tennessee is now receiving 99% of its documents in electronic format. Without this electronic capability, the court would still be processing the deluge of new case and proceeding filings that were received prior to the October 17, 2005 effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). During the three week period prior to the BAPCPA effective date, the court received nearly 6,000 new case filings as compared to 1,600 cases for the same period in calendar year 2004. At the close of calendar year 2005, the court experienced an overall increase of 4.72% in new case filings over calendar year 2004 (see attachment).

While new case filings received by the court increased marginally in 2005, the number of cases closed increased by more than 21%. During calendar year 2005, the court closed nearly 30,000 cases and more than 1,200 adversary proceedings. At the end of 2005, the court maintained a pending caseload of 43,608 cases.

With the passage of the BAPCPA legislation, the United States Bankruptcy Court for the Western District of Tennessee received one new judgeship. The official duty station of this position will be in the Western Division of this District at Memphis, Tennessee.

At the time that the Circuit Executive’s Office of the Sixth Circuit announced that it would begin accepting applications for the new judgeship, Bankruptcy Judge William Houston Brown notified Chief Circuit Judge Boggs of his intention to retire from the bench in mid 2006. Judge Brown was appointed as a Bankruptcy Judge on October 9, 1987. The Circuit Executive’s Office amended the prior position announcement and sought applications for the two judicial vacancies.

The Sixth Circuit Court of Appeals has named, pending background clearance, Professor Paulette J. Delk of the University of Memphis, Cecil C. Humphrey’s School of Law and George W. Emerson, Standing Chapter 13 Trustee at Memphis, to the two judicial positions.

UNITED STATES BANKRUPTCY COURT
 Western District of Tennessee
 PETITIONS FILED FOR TWELVE MONTH PERIODS
 BY DIVISIONS

Jan 1, 2005 - Dec 31, 2005			
	Memphis	Jackson	Totals
Chapter 7	7,942	2,776	10,718
Chapter 9	0	0	0
Chapter 11	29	29	58
Chapter 12	0	0	0
Chapter 13	13,157	2,998	16,155
Totals:	21,128	5,803	26,931

Jan 1, 2004 - Dec 31, 2004			
	Memphis	Jackson	Totals
Chapter 7	6,044	2,426	8,470
Chapter 9	0	0	0
Chapter 11	26	23	49
Chapter 12	0	0	0
Chapter 13	13,907	3,291	17,198
Totals:	19,977	5,740	25,717

Jan 1, 2003 - Dec 31, 2003			
	Memphis	Jackson	Totals
Chapter 7	6,903	2,688	9,591
Chapter 9	0	0	0
Chapter 11	51	30	81
Chapter 12	0	0	0
Chapter 13	15,143	3,205	18,348
Totals:	22,097	5,923	28,020

Jan 1, 2002 - Dec 31, 2002			
	Memphis	Jackson	Totals
Chapter 7	6,878	2,619	9,497
Chapter 9	0	0	0
Chapter 11	41	62	103
Chapter 12	2	1	3
Chapter 13	14,960	3,349	18,309
Totals:	21,881	6,031	27,912

2005 Over 2004			
	Memphis	Jackson	Total %
Chapter 7	1,898	350	26.54%
Chapter 9	0	0	0.00%
Chapter 11	3	6	18.00%
Chapter 12	0	0	0.00%
Chapter 13	(750)	(293)	-6.06%
Totals:	1,151	63	4.72%

2005 Over 2004		
	Jackson	Totals %
Chapter 7	350	14.43%
Chapter 9	0	0.00%
Chapter 11	6	26.09%
Chapter 12	0	0.00%
Chapter 13	(293)	-8.90%
Totals:	63	1.10%

% of Closings by Chap. By Div. Chapter % of			
	Memphis	Jackson	Total Closings
Chapter 7	74%	26%	40%
Chapter 9	0%	0%	0%
Chapter 11	50%	50%	0%
Chapter 12	0%	0%	0%
Chapter 13	81%	19%	60%
Totals:	78%	22%	100%

% of Closings by Chap. By Div. Chapter % of			
	Memphis	Jackson	Total Closings
Chapter 7	71%	29%	33%
Chapter 9	0%	0%	0%
Chapter 11	53%	47%	0%
Chapter 12	0%	0%	0%
Chapter 13	81%	19%	67%
Totals:	78%	22%	100%

% of Closings by Chap. By Div. Chapter % of			
	Memphis	Jackson	Total Closings
Chapter 7	72%	28%	34%
Chapter 9	0%	0%	0%
Chapter 11	63%	37%	0%
Chapter 12	0%	0%	0%
Chapter 13	83%	17%	65%
Totals:	79%	21%	100%

% of Closings by Chap. By Div. Chapter % of			
	Memphis	Jackson	Total Closings
Chapter 7	72%	28%	34%
Chapter 9	0%	0%	0%
Chapter 11	40%	60%	0%
Chapter 12	67%	33%	0%
Chapter 13	82%	18%	66%
Totals:	78%	22%	100%

Overall Change 2005 to 2004 (Both Divisions) 4.72%

2005 Over 2004		
	Memphis	Totals %
Chapter 7	1,898	31.40%
Chapter 9	0	0.00%
Chapter 11	3	11.54%
Chapter 12	0	0.00%
Chapter 13	(750)	-5.39%
Totals:	1,151	5.76%

Calculation of percentages are rounded to two places. .745 would be shown as .75 or 75%, and .744 would be displayed as .74 or 74%.

UNITED STATES BANKRUPTCY COURT
Western District of Tennessee
PETITIONS CLOSED FOR TWELVE MONTH PERIODS
BY DIVISIONS

Jan 1, 2005 - Dec 31, 2005			
	Memphis	Jackson	Totals
Chapter 7	8,080	2,765	10,845
Chapter 9	0	0	0
Chapter 11	34	30	64
Chapter 12	0	1	1
Chapter 13	15,781	2,885	18,666
Totals:	23,895	5,681	29,576

Jan 1, 2004 - Dec 31, 2004			
	Memphis	Jackson	Totals
Chapter 7	5,129	3,304	8,433
Chapter 9	0	0	0
Chapter 11	29	48	77
Chapter 12	0	5	5
Chapter 13	12,705	3,115	15,820
Totals:	17,863	6,472	24,335

Jan 1, 2003 - Dec 31, 2003			
	Memphis	Jackson	Totals
Chapter 7	6,562	2,138	8,700
Chapter 9	0	0	0
Chapter 11	35	50	85
Chapter 12	1	2	3
Chapter 13	14,034	3,203	17,237
Totals:	20,632	5,393	26,025

Jan 1, 2002 - Dec 31, 2002			
	Memphis	Jackson	Totals
Chapter 7	6,434	2,628	9,062
Chapter 9	0	0	0
Chapter 11	45	47	92
Chapter 12	1	1	2
Chapter 13	14,325	3,244	17,569
Totals:	20,805	5,920	26,725

2005 Over 2004			
	Memphis	Jackson	Total %
Chapter 7	2,951	(539)	28.60%
Chapter 9	0	0	0.00%
Chapter 11	5	(18)	-16.88%
Chapter 12	0	(4)	-80.00%
Chapter 13	3,076	(230)	17.99%
Totals:	6,032	(791)	21.54%

2005 Over 2004		
	Jackson	Totals %
Chapter 7	(539)	-16.31%
Chapter 9	0	0.00%
Chapter 11	(18)	-37.50%
Chapter 12	(4)	-80.00%
Chapter 13	(230)	-7.38%
Totals:	(791)	-12.22%

% of Closings by Chap. By Div. Chapter % of			
	Memphis	Jackson	Total Closings
Chapter 7	75%	25%	37%
Chapter 9	0%	0%	0%
Chapter 11	53%	47%	0%
Chapter 12	0%	100%	0%
Chapter 13	85%	15%	63%
Totals:	81%	19%	100%

% of Closings by Chap. By Div. Chapter % of			
	Memphis	Jackson	Total Closings
Chapter 7	61%	39%	35%
Chapter 9	0%	0%	0%
Chapter 11	38%	62%	0%
Chapter 12	0%	100%	0%
Chapter 13	80%	20%	65%
Totals:	73%	27%	100%

% of Closings by Chap. By Div. Chapter % of			
	Memphis	Jackson	Total Closings
Chapter 7	75%	25%	33%
Chapter 9	0%	0%	0%
Chapter 11	41%	59%	0%
Chapter 12	33%	67%	0%
Chapter 13	81%	19%	66%
Totals:	79%	21%	100%

% of Closings by Chap. By Div. Chapter % of			
	Memphis	Jackson	Total Closings
Chapter 7	71%	29%	34%
Chapter 9	0%	0%	0%
Chapter 11	49%	51%	0%
Chapter 12	50%	50%	0%
Chapter 13	82%	18%	66%
Totals:	78%	22%	100%

Overall Change 2005 to 2004 (Both Divisions)
21.54%

2005 Over 2004		
	Memphis	Totals %
Chapter 7	2,951	57.52%
Chapter 9	0	0.00%
Chapter 11	5	16.67%
Chapter 12	0	0.00%
Chapter 13	3,076	24.21%
Totals:	6,032	33.77%

Calculation of percentages are rounded to two places. .745 would be shown as .75 or 75%, and .744 would be displayed as .74 or 74%.



*In
Memoriam*

*Honorable Susan Bieke Neilson
Honorable Bailey Brown
Honorable Robert B. Krupansky
Honorable Robert M. McRae, Jr.
Honorable Odell Horton*

MEMORIAL RESOLUTION

Susan Bieke Neilson only had the distinction of serving on the United States Court of Appeals for the Sixth Circuit for a few months before her untimely death in January 2006. We take this moment to look back at her life and accomplishments.

Judge Neilson was born in Ann Arbor, Michigan in 1956 and lived in Detroit until her family moved to the west side of the state in the late 1960's. After graduation from high school in Portage, Michigan, she attended the University of Michigan in Ann Arbor, where she received her undergraduate degree in political science from the Honors College and was elected to Phi Beta Kappa. While attending the University of Michigan, Susan Bieke met her future husband, Jeffrey Neilson. They married while she was attending law school.

Judge Neilson began her legal career by earning her law degree at Wayne State University Law School in Detroit in 1980. Upon graduation from law school, Judge Neilson began the practice of law at Dickinson Wright, a prominent law firm in Detroit. She demonstrated her ability as a litigator and became a partner in the firm in the mid 1980's. Her principal area of practice was medical malpractice defense.

It was during this time that Judge Neilson first learned to juggle the demands of working full time in a high pressure position with the demands of being a wife and a mother to her two daughters. Such a lesson proved useful as her second daughter, Mary, was an infant when Judge Neilson was appointed to a state court judgeship by former Governor John Engler in 1991.

Judge Neilson was appointed to the Wayne County Circuit Court, the largest court in the State of Michigan. There she inherited what was commonly known as one of the worst dockets. Judge Neilson firmly believed in the maxim “justice delayed is justice denied.” Thus, Judge Neilson was a stickler about maintaining schedules and insuring that every civil case filed before her went to trial within two years. In order to achieve this goal, she willingly worked through lunch and on holidays. Additionally, she would often rush onto the bench to get started even before court formally opened.

Not only did Judge Neilson keep her cases on a fast track, but she did it with grace and dignity. She was quiet spoken and seldom raised her voice in the courtroom; she treated all persons who came before her with respect whether they were indigent pro se litigants or lawyers from major law firms. She demonstrated a thorough knowledge of the law at issue, all with a pleasant demeanor and where appropriate, with a fine sense of humor. In return, she earned the respect of attorneys practicing before her. Moreover, her intelligence, hard-working nature, and her pleasant demeanor also earned her the respect and admiration of her colleagues and staff.

In addition to handling her heavy docket, Judge Neilson also found other ways to contribute to society. She was involved in several civic groups. As an active member of the local chapter of Soroptimists International, she organized Soroptimists activities supporting the Children’s Home of Detroit, a residential facility for troubled children, as well as its projects on behalf of abused women. Judge Neilson also served as the treasurer for the Detroit Catholic Lawyers Society and participated in its activities directed toward helping underprivileged children. She was an active member of her parish in Detroit, serving on many committees at the church. Judge Neilson served on the Wayne County Circuit Court docket review committee. She also spent many hours on the Michigan Standard Civil Jury Instructions committee, a group of lawyers and judges appointed by the Michigan Supreme

Court to review and revise on an on-going basis the model jury instructions used throughout the state.

As her daughters got older, Judge Neilson was heavily involved with their activities as well, being not just a judge but a “soccer mom” too -- to the extent her busy schedule allowed. She took a keen interest in their schooling as well, attending parent conferences and assemblies.

In 2001, President George W. Bush nominated Judge Neilson to the United States Court of Appeals for the Sixth Circuit. Though there was no opposition to Judge Neilson personally, the nomination did not pass quickly to appointment and Judge Neilson was re-nominated in 2005. Her appointment was confirmed by the Senate in late 2005 by a vote of 97-0. Judge Neilson was sworn in as a judge of the Court of Appeals for the Sixth Circuit Court on November 16, 2005.

During the pendency of her nomination, Judge Neilson discovered that she had contracted a rare blood disorder that eventually required her to undergo a bone marrow transplant in 2003. Following the bone marrow transplant, Judge Neilson, though greatly diminished physically, returned to the bench and eagerly moved on November 21, 2005 the few blocks from the state courthouse to the federal courthouse in downtown Detroit. Sadly, the lingering effects of the bone marrow transplant caused her untimely death on January 25, 2006. Judge Neilson leaves behind her husband, Jeffery, and her two daughters, Elizabeth, age 22, and Mary, age 15, as well as her parents and siblings.

THEREFORE, BE IT RESOLVED that the Sixty-sixth Judicial Conference of the Sixth Circuit, in session at Detroit, Michigan this 17th day of May, 2006, pays tribute to the memory of United States Circuit Judge Susan Bieke Neilson; and

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

Respectfully submitted,

Honorable Cornelia G. Kennedy
Senior United States Circuit Judge
Sixth Circuit Court of Appeals

Honorable David W. McKeague
United States Circuit Judge
Sixth Circuit Court of Appeals

Honorable Richard Allen Griffin
United States Circuit Judge
Sixth Circuit Court of Appeals

MEMORIAL RESOLUTION

Bailey Brown, a lifelong resident of Memphis, Tennessee, served the federal judiciary faithfully and with distinction in a number of capacities for over thirty-five years. He was appointed to the district court for the Western District of Tennessee by President John F. Kennedy in 1961 at the age of forty-four; the first new district judge at Memphis in more than twenty years.

Educated in Memphis public schools, Judge Brown received his undergraduate degree in history and economics at the University of Michigan. He earned his law degree at Harvard Law School in 1942. He was a loyal alumnus of both Michigan and Harvard and enjoyed associating with fellow alumni in the judiciary. Immediately after law school graduation, he began service as a naval officer. During his service in the Pacific theater, Judge Brown served in Guam and was serving in Japan at the time of the surrender ceremony aboard the U.S.S. Missouri.

After completion of his naval service in 1946, Judge Brown joined and later became a partner in the well-known and respected firm, Burch, Porter & Johnson, where he engaged in civil, criminal and administrative matters in both state and federal forums. Mr. Burch, a prominent litigator and civil rights advocate, represented Martin Luther King, Jr., in Judge Brown's court.

A bachelor until 1964, Judge Brown married Doris Lawhorn, his widow at his death in 2004. He is also survived by a son, Bailey Brown, Jr.

Judge Brown began his service sitting primarily in Memphis, and also in Jackson, Tennessee, at a time of great turmoil in the midst of school desegregation, the civil rights movement and the Vietnam War. He handled many school desegregation cases, some of which were ultimately decided by the Supreme Court, with a minimum of discord and tension. He became Chief Judge of the district court in 1966. During his thirteen-year tenure, he initiated steps to bring African Americans and women into the federal court family. President Jimmy Carter elevated him to the United States Court of Appeals for the Sixth Circuit in 1979.

Judge Brown was not only an astute judge who wrote clear and concise opinions, but he was relaxed and pleasant in his demeanor. He often displayed his sense of humor and quiet command on the bench. Collegial and friendly, he was well liked by his colleagues on the district and circuit court benches as well as by the lawyers who appeared before him. As a senior judge, he served as a visiting judge on a number of other circuit courts.

Judge Brown was admired by the bench and bar generally in his home, and by law school academicians, receiving many honors as well as invitations to speak to legal groups, participate in seminars, and to judge in moot court tournaments. He was voted outstanding judge by the Memphis & Shelby County Bar Association, and by its Young Lawyers group. In 1996 he received the bar association's Lawyers' Lawyer Award in recognition of his fairness and devotion to equal justice principles.

He was active in many community affairs, serving, among other activities, as president of the Memphis Symphony, chairman of the Memphis Public Affairs Forum, and before his service as a judge, in political groups with his own independent viewpoint.

He served several years on the Judicial Conference Committee on Court Administration as well as other Judicial Conference Committees.

Throughout his career, Judge Brown eschewed partisanship and was viewed as independent-minded and inclusive in his civic, religious (he was an Episcopalian) and social interrelationships.

THEREFORE, BE IT RESOLVED that the Sixty-fifth Judicial Conference of the Sixth Circuit, in session at Mackinac Island, Michigan this 26th day of June, 2005, pays tribute to the memory of United States Circuit Judge Bailey Brown; and

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

Respectfully submitted,

Honorable Cornelia G. Kennedy
Senior United States Circuit Judge
Sixth Circuit Court of Appeals

Honorable Julia S. Gibbons
United States Circuit Judge
Sixth Circuit Court of Appeals

Honorable Harry W. Wellford
United States Circuit Judge Retired
Sixth Circuit Court of Appeals

MEMORIAL RESOLUTION

The judge, according to Plato, “should have learned to know evil, not from his own soul, but from late and long observation of the nature of evil in others: knowledge should be his guide, not personal experience.” Certainly Plato would have looked with satisfaction on the appointment of Robert B. Krupansky to the federal bench. Judge Krupansky was an upright and honorable man whose long observation of human nature, including the evil of which Plato spoke, came from a variety of sources, including his military service—he was a bomber pilot during WWII, and eventually retired from the Air Force Reserve as a colonel—and his active political career—he served as an Assistant Attorney General for the State of Ohio and as the director of the Ohio Department of Liquor Control under Gov. C. William O’Neill. By the time he was appointed to the United States District Court for the Northern District of Ohio, he had spent two years on the Cuyahoga County Common Pleas Court, and he had also served as United States Attorney for the Northern District of Ohio, leading a grand jury investigation into the Kent State University riots that resulted in the deployment of the Ohio National Guard on the campus and the shooting deaths of several students. From this background, he accumulated the wealth of knowledge that guided him in his long and distinguished judicial career.

Appointed to the district court by President Richard Nixon in 1970, Judge Krupansky spent more than a decade as a trial judge, where he earned a reputation for being fair, firm and efficient in conducting the business of the court. In 1982, President Ronald Reagan appointed him to the Sixth Circuit Court of Appeals, where he quickly became known as an active questioner from the bench and the author of well-organized, well-analyzed and well-written opinions—opinions that spoke with a voice uniquely his. Judge Krupansky was direct and forthright in his approach to the cases that came before him, and he relished the opportunity to tackle difficult and controversial matters. Notably, for example, when he was assigned the Cleveland school desegregation case in

1994, which by that time had been ongoing for more than 20 years, Judge Krupansky had already taken senior status. He did not shrink from the task, however, and, after determining that the elected school board had demonstrated fiscal irresponsibility and lack of leadership, the judge placed the Cleveland School District under state control, where it stayed until he returned the case to the district court, some 16 months later.

Judge Krupansky enjoyed politics—he was an unabashed Republican. His politics, however, colored neither his work nor his relationships with his colleagues. Having practiced law for many years with Howard Metzenbaum, one of Ohio’s leading Democrats, Judge Krupansky understood the importance of both diverse political points of view and the individuals who hold them. New judges on the Sixth Circuit learned to look forward to the good-natured sparring at dinner between Judge Krupansky, the staunch conservative Republican, and Judge Keith, the equally staunch liberal Democrat. Beneath the sparring, new judges quickly observed, was a deep and lasting personal friendship, although—to the best of any of their colleagues’ knowledge—neither of them ever made any serious inroads on the political philosophy of the other!

Although he devoted most of his life to the law, Judge Krupansky knew that there was more to life than the court. He loved the water, whether on it in his boat or in it as a scuba diver; he loved wildlife, whether in the form of the fine porcelain figures he and his wife collected, or in real life, even when the creatures appropriated as their personal salad bar the plantings on the grounds surrounding his beautiful home; he loved fast cars, particularly his Corvettes. Most of all, he was devoted to his wife, Marjorie, who survives him and to whom he was married for over 50 years.

His colleagues and his profession suffered a real loss when Judge Krupansky died on November 8, 2004. He served his country and his profession well and honorably, and he will be greatly missed.

THEREFORE, BE IT RESOLVED that the Sixty-fifth Judicial Conference of the Sixth Circuit, in session at Mackinac Island, Michigan, this 26th day of June, 2005, pays tribute to the memory of United States Circuit Judge Robert B. Krupansky; and

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

Respectfully submitted,

Damon J. Keith

David A. Nelson

Alice M. Batchelder

MEMORIAL RESOLUTION
FOR ROBERT M. MCRAE, JR.

Judge Robert Malcolm McRae, Jr., was a courageous judge whose rulings affected the course of Memphis history. He was a delightful entertainer who is remembered with a smile by those who knew him. He was an independent spirit who did things his way and did the right thing as he saw it.

Judge McRae was a lifelong Memphian. Born on December 31, 1921, he was educated in the Memphis public schools and graduated from Central High School. He received his undergraduate degree from Vanderbilt University. After serving in the Navy in World War II, he received his law degree from the University of Virginia in 1948. From 1948-64, he was in private practice in Memphis and during that time was an assistant city attorney from 1961-64. In 1964 he was elected state circuit judge.

President Lyndon Johnson appointed Judge McRae to the United States District Court for the Western District of Tennessee in 1966. He was chief judge of the court from 1979-86. From 1984-87 he was a member of the Judicial Conference of the United States. In 1986 Judge McRae assumed senior status. He continued to work in the district court until 1995, when he retired. He died June 25, 2004.

Judge McRae presided over the City of Memphis school desegregation case and endured threats and criticism that resulted from his rulings. He and his family experienced many angry phone calls, letters, and social snubs at church and other gatherings.

Judge McRae was never reluctant to let those who appeared before him know exactly what he thought about their positions. He used both anger and humor, depending on which

approach he deemed appropriate. In the early 1980's, he began to wear a red robe and grew a beard. He was a memorable and imposing figure in the courtroom.

In administrative matters, Judge McRae worked to increase the number of African-American employees in the court. He was the first judge in the district to hire an African-American law clerk and a female law clerk. He had a close relationship with many court employees and with his former clerks, who include the late United States District Judge Jerome Turner and Chief United States Bankruptcy Judge David Kennedy.

Away from the court, Judge McRae was a devoted partner to his wife Louise. She was smart and feisty and never let him dominate the relationship. They had four children, Susan (who died in 2003), Malcolm, Duncan, and Thomas “Tock.” Louise died in 2000, and, although Judge McRae kept his head up, the loss was apparent. Judge McRae enjoyed the arts (he appeared in eight or ten plays before becoming a federal judge) and a good book (he and Louise participated in a stimulating book group) and going to the cabin in Hardeman County that he and Louise shared with friends. He was active in his church, Calvary Episcopal.

The Judicial Conference of the Sixth Circuit today remembers Judge McRae for his many contributions to the administration of justice and pays tribute to his uncompromising integrity.

THEREFORE, BE IT RESOLVED that the Sixty-sixth Judicial Conference of the Sixth Circuit, in session at Detroit, Michigan, this seventeenth day of May, 2006, pays tribute and appreciation to the memory of Judge Robert Malcolm McRae, Jr., who served the nation and the Western District of Tennessee 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 be forwarded to the family as an expression of the affection and admiration the members of the Conference felt for Judge McRae.

Respectfully submitted,

Julia S. Gibbons
United States Circuit Judge
Court of Appeals for the Sixth Circuit

James D. Todd
Chief United States District Judge
Western District of Tennessee

Jon P. McCalla
United States District Judge
Western District of Tennessee

**MEMORIAL RESOLUTION
IN HONOR OF
ODELL HORTON, SR.
1929-2006**

Judge Odell Horton, Sr., died Wednesday, February 22, 2006, in Memphis, Tennessee, at the age of 77. We grieve the loss of our friend and colleague but are grateful for the time that we spent with this remarkable man and for his contributions to the citizens of the Western District of Tennessee.

Odell Horton was born in Bolivar, Tennessee, in 1929, where he graduated from high school. He graduated from Morehouse College and Howard University Law School. After serving in the United States Marine Corps, he entered the private practice of law in Memphis for five years. He served as an assistant United States Attorney in the Western District of Tennessee and later became the Director of the Division of Hospital and Health Services for the City of Memphis. He became the President of Lemoyne-Owen College and, after serving as a Shelby County Criminal Court Judge, was appointed to the United States Bankruptcy Court for the Western District of Tennessee. In 1980 he was appointed United States District Judge for the Western District of Tennessee by President Jimmy Carter, becoming the first African-American to serve in that capacity in Tennessee since Reconstruction. From 1987 to 1993 he served as Chief Judge of that court.

Judge Horton served on the United States Judicial Conference Committee on Defender Services and the Committee to Establish a Death Penalty Resource Center. He received an honorary Doctor of Laws degree from Morehouse College and the Distinguished

Alumni Award from Howard University. He was a Life Member of the NAACP and a member of the American Bar Association.

Judge Horton is survived by his wife of 52 years, Evie; his two sons Odell, Jr., and Christopher; and his two grandsons, Odell III and Matthew.

However, a recounting of Judge Horton's achievements, awards, and accomplishments does not give a complete picture of this extraordinary man. He was unfailingly polite and always conducted himself as a true gentleman. He had a wonderful ability to defuse controversy and to "calm troubled waters." Lawyers who practiced in his court were always impressed by his calm and deliberate manner. Litigants left his courtroom with a feeling that they had been treated with dignity and respect. But beneath Judge Horton's calm and polite demeanor were strength and courage. He faced obstacles and overcame them. He suffered indignities and then devoted his life to displaying dignity. He faced injustice and spent the rest of his life delivering justice.

Judge Odell Horton was not just a great man, he was also a good man. The judges and citizens of West Tennessee will miss him.

Now, therefore, BE IT RESOLVED that the Sixty-Sixth Judicial Conference of the Sixth Circuit, in session in Detroit, Michigan, this 17th day of May, 2006, pays tribute and appreciation to the memory of Judge Odell Horton, Sr., who served the nation and the Western District of Tennessee faithfully and well.

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

Respectfully submitted,

James D. Todd, Chief Judge
United States District Court
Western District of Tennessee

Ronald Gilman, Circuit Judge
Court of Appeals for the Sixth Circuit

Julia S. Gibbons, Circuit Judge
Court of Appeals for the Sixth Circuit