

**United States Court of Appeals**

**FOR THE SIXTH CIRCUIT**



**ANNUAL REPORT**

**July, 1982 - June, 1983**

**George Edwards**  
**Chief Judge**

**John P. Hehman**  
**Clerk**



## CHIEF JUDGE

GEORGE EDWARDS  
CINCINNATI, OHIO 45202

## CIRCUIT JUDGES

PIERCE LIVELY  
DANVILLE, KENTUCKY 40422

ALBERT J. ENGEL  
GRAND RAPIDS, MICHIGAN 49502

DAMON J. KEITH  
DETROIT, MICHIGAN 48226

GILBERT S. MERRITT  
NASHVILLE, TENNESSEE 37203

CORNELIA G. KENNEDY  
DETROIT, MICHIGAN 48226

BOYCE F. MARTIN, JR.  
LOUISVILLE, KENTUCKY 40202

NATHANIEL R. JONES  
CINCINNATI, OHIO 45202

LEROY J. CONTIE, JR.  
AKRON, OHIO 44308

ROBERT B. KRUPANSKY  
CLEVELAND, OHIO 44114

HARRY W. WELLFORD  
MEMPHIS, TENNESSEE 38103

## UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

MICHIGAN · OHIO · KENTUCKY · TENNESSEE

CHAMBERS OF THE COURT

CINCINNATI, OHIO 45202

July 1, 1983

## SENIOR JUDGES

LESTER L. CECIL  
DAYTON, OHIO 45402

PAUL C. WEICK  
AKRON, OHIO 44308

HARRY PHILLIPS  
NASHVILLE, TENNESSEE 37203

ANTHONY J. CELEBREZZE  
CLEVELAND, OHIO 44114

JOHN W. PECK  
CINCINNATI, OHIO 45202

BAILEY BROWN  
MEMPHIS, TENNESSEE 38112

The last twelve months have been a period of unprecedented production by the court.

The court's docket continues to expand at a substantial rate, with filings increasing nearly 10%. However, the court's decisions have also increased at the same level, allowing it to keep pace with the increased filings. In fact, the Sixth Circuit's active judges continue to have one of the highest levels of case participations among all federal circuit courts. In the last twelve months, for example, the average active circuit judge participated in 392 case decisions. This includes 270 decisions after an opportunity was provided to the parties for hearing and 122 decisions after the court determined oral argument to be unnecessary.

This is particularly impressive when read with a few other factors in mind. The court has continued its precedent of emphasizing oral argument. A record 1,270 hearings were held in the last twelve months. It is expected that the Sixth Circuit ratio of hearings to actual case dispositions will remain among the highest of the federal circuit courts. Of those dispositions where jurisdiction existed for the Court to reach the merits, nearly 70% were afforded the opportunity for argument before the court.

The court continues to utilize the practice of deciding cases from the bench pursuant to local Rule 19. Of the 1,345 cases given an opportunity for oral argument in the last twelve months, 7% or 95 cases were decided from the bench.

The court has just completed an unprecedented period of activity. In 20 of the last 25 weeks, there have been regular sessions of the court with hearings scheduled almost every day during those 20 weeks. This level of activity

demonstrates the court's ability to respond to an increasing caseload which was the principle reason the court adopted its new sitting schedule. In January 1982 the court departed from its traditional sitting pattern of five 3-week sessions throughout the year and established a hearing schedule over 32 weeks of the year. To do this, the court split its active judges into two groups with each group sitting for eight 2-week sessions during the course of a year.

The high level of case participations by the active circuit judges is impressive for other reasons. Virtually every case decided on the merits in the last twelve months was decided after three judges had the opportunity to review the briefs and the record of district court proceedings, and to confer in person as a panel about their decision. The opportunity to discuss cases in a personal conference is considered to be a particularly valuable practice by the judges.

It is also noteworthy that the court consistently ranks highest among the federal circuit courts in the number of reasoned decisions issued. Whether it announces its decision in an opinion or an unpublished order, the court consistently identifies to the parties its reasoning in reaching its conclusions.

In order to maintain this high level of production, the court is deeply indebted to its senior circuit and visiting judges whose support continues at a very high level. 17% of the case participations in the last year were attributed to senior circuit judges. Visiting judges also accounted for 17% of case participations. This means that for the second consecutive year over one-third of the judges participating in decisions on the merits were either senior circuit or visiting judges. The court particularly appreciates that the overwhelming number of visiting judges are district judges in the Sixth Circuit who took time from their own very busy docket to sit with the court of appeals.

The court also enjoys the assistance of a central legal staff and a settlement attorney staff. The central legal staff continues to review the docket and to identify cases to the court where oral argument may be unnecessary pursuant to local Rule 9. Recommendations of the staff resulted in decisions by the court in 630 cases, representing 23% of the total decisions by the court in the last twelve months. The settlement program is now in full operation and was responsible for settling 101 cases in the last twelve months. The court remains enthusiastic about the opportunity this program affords.

The practical effect of this unprecedented production by the court is significant. To illustrate, only a few years ago, oral arguments could not be scheduled until 18 months after briefs were filed. Today, that delay in oral argument has been reduced to 7 months. This significant reduction in the waiting period is a proud achievement.

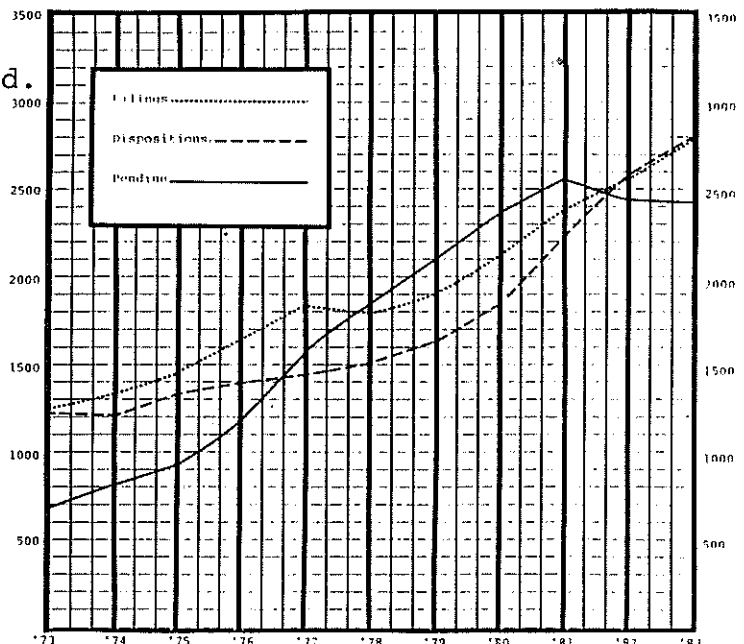
## STATUS OF THE DOCKET

The chart below provides the number of filings, dispositions, and cases pending for each of the past ten years. It also notes the percentage increase in these figures over the preceding year.

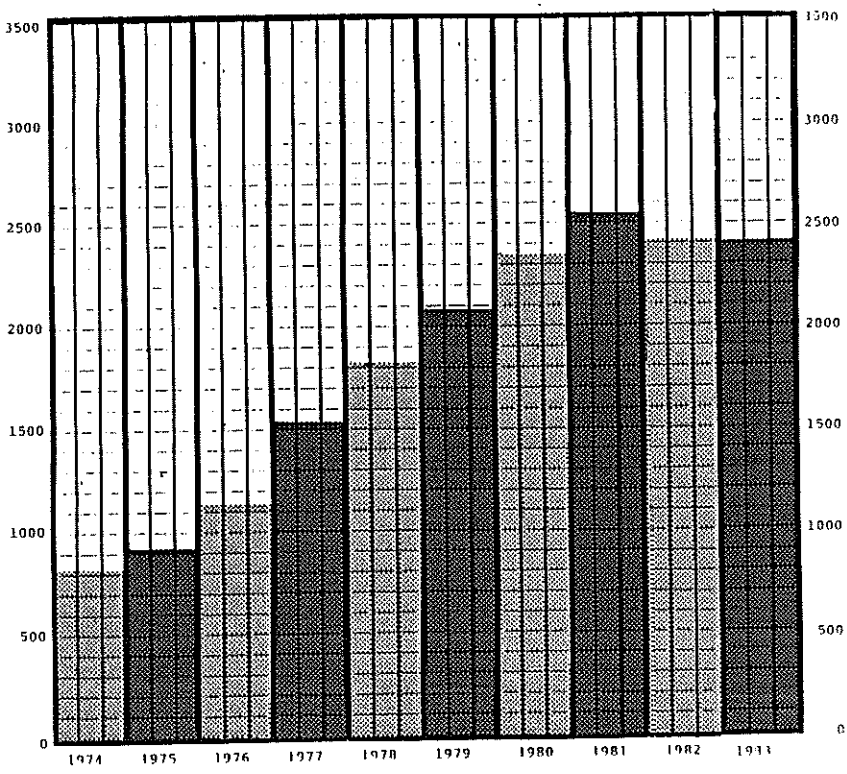
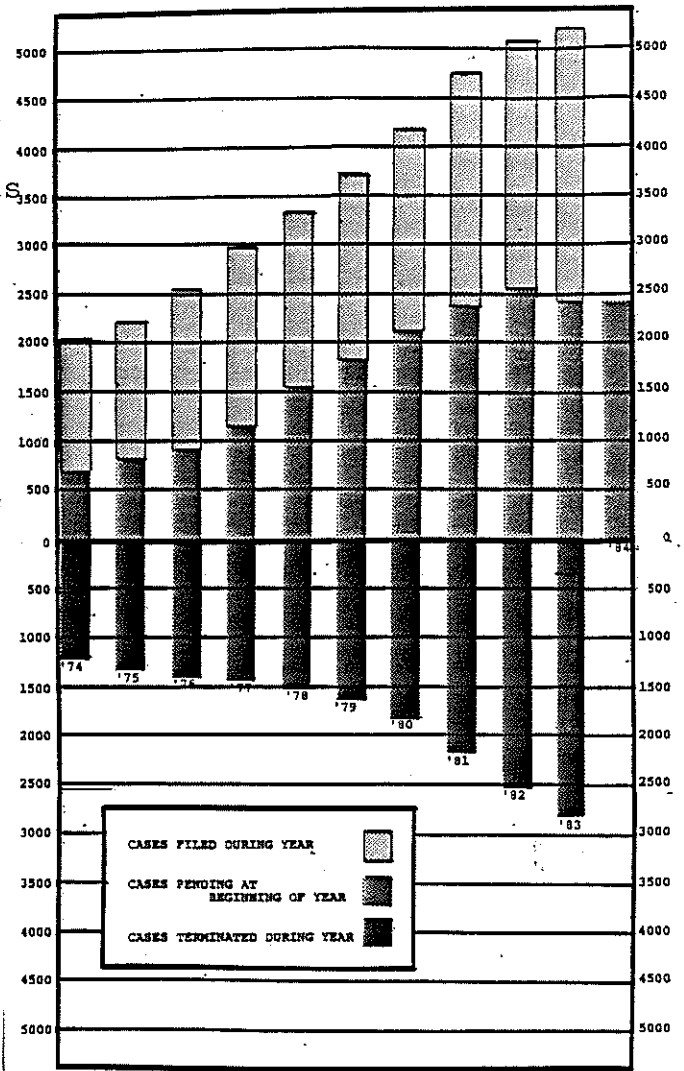
FILINGS, DISPOSITIONS, AND PENDING CASES  
FOR THE TWELVE MONTH PERIOD JULY - JUNE  
1974 through 1983

	74	75	76	77	78	79	80	81	82	83
<b>FILINGS</b>	1335	1436	1628	1827	1795	1889	2103	2376	2541	2783
Annual Increase in Filings	5.9%	7.6%	11.5%	12.2%	-1.8%	5.2%	11.3%	13%	7%	9.5%
<b>DISPOSITIONS</b>	1207	1320	1396	1425	1503	1633	1832	2189	2551	2785
Annual Increase in Dispositions	-2.6%	9.4%	5.8%	2.1%	5.5%	8.6%	12.2%	19.5%	16.5%	9.2%
<b>PENDING CASES AS OF JUNE 30</b>	803	913	1145	1547	1839	2095	2366	2553	2418	2416
Annual Increase in Pending Cases	19%	13.7%	25.4%	35.1%	18.9%	13.9%	12.9%	7.9%	-5.3%	0.1%

At right, the status of the docket is graphically displayed. You will notice the continued sharp increase in filings over the entire ten year period. Dispositions, on the other hand, witnessed a dramatic upturn only in the latter half of the period -- surpassing filings in 1982. The result has been the stabilization of pending cases below the 2,500 level.



This graph further illustrates the growth of the docket over the past ten years. Combining cases pending at the beginning of the year with filings made during the year results in total active cases for the year. Using this total as a measure of workload, a 160% increase in this figure can be noted since 1974. The bottom part of the graph depicts case dispositions for each year. Evident is the recent sharp increase in dispositions which has slowed the growth in the workload to a point where it has leveled off at just above the 5,000 case mark.

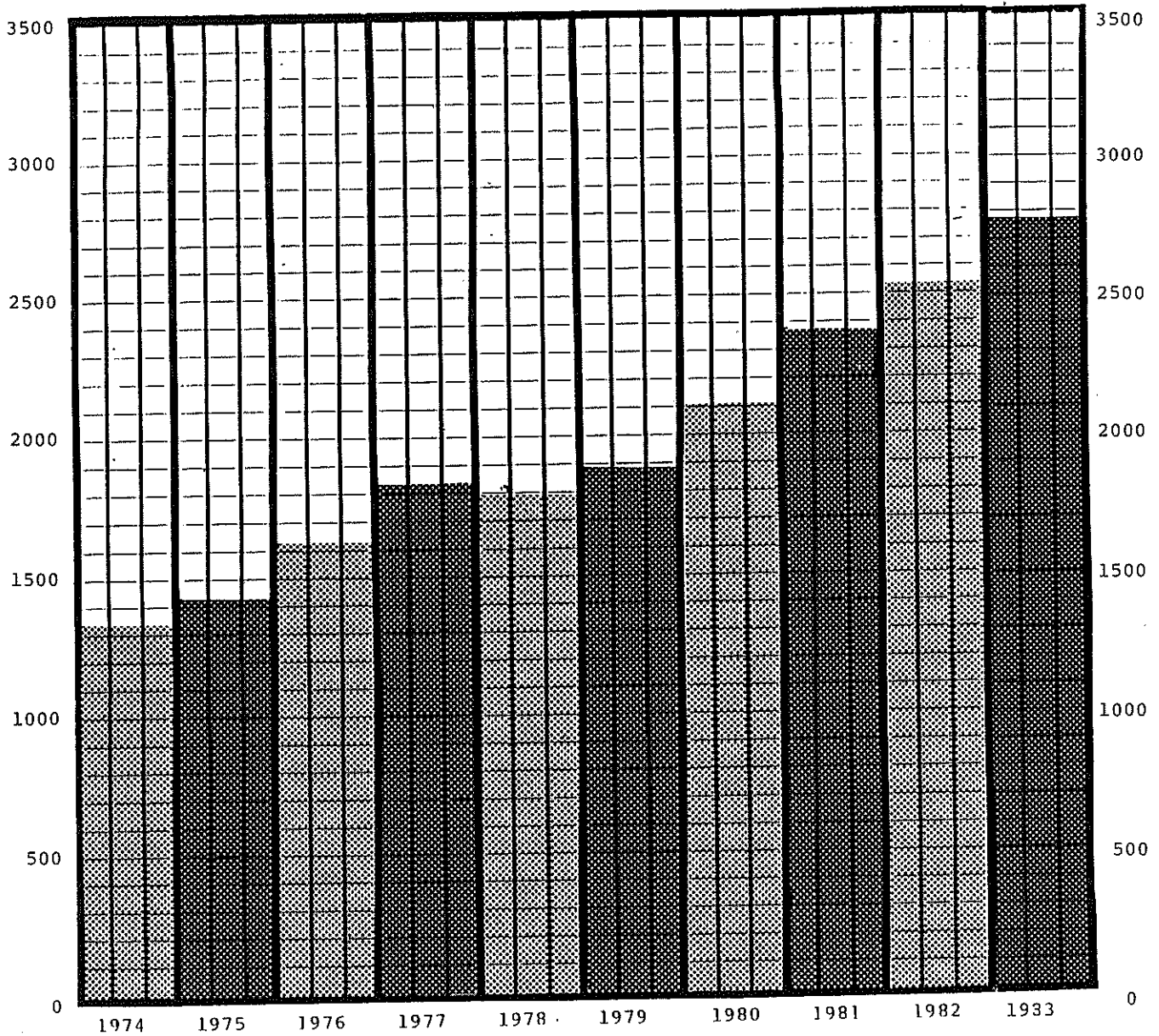


PENDING CASES

Between 1974 and 1981 the pending caseload increased by 218%. Since its peak in 1981 pending cases are down over 5%. This chart shows pending cases as of June 30 for each year since 1974.

FILINGS

Over the past ten years the number of filings has more than doubled. In 1983 there are nearly 1,450 more cases filed than in 1974. The average annual increase in filings for the ten year period has been slightly over 8%. This year's filings exceeded the average by 1.5 percentage points.



Filings as of June 30, 19\_\_

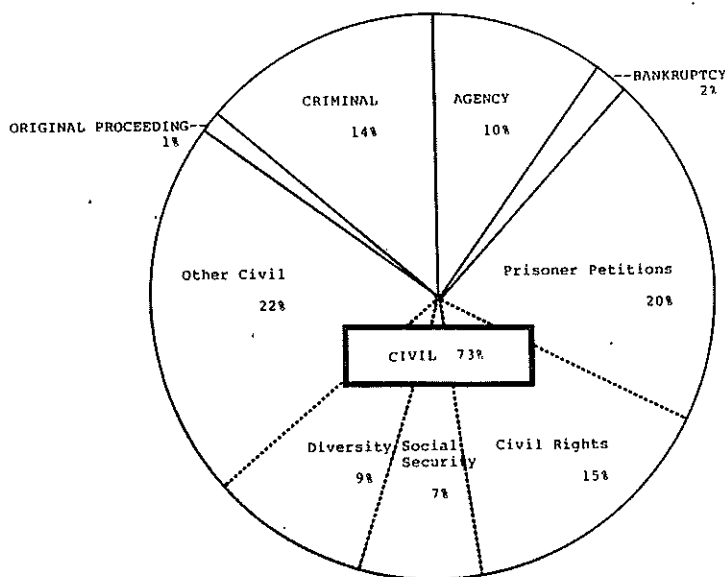
### FILINGS BY CASE TYPE

Criminal case filings have remained steady since 1975 as indicated below. On the other hand, prisoner petitions increased almost 10% over 1982 and over 126% since 1975. Bankruptcy cases have also continued to increase sharply.

#### FILINGS BY CASE TYPE FOR THE TWELVE MONTH PERIOD JULY - JUNE 1975 through 1983

	75	76	77	78	79	80	81	82	83
<b>AGENCY</b>	145	216	267	181	235	238	283	255	280
<b>BANKRUPTCY</b>	5	21	28	26	20	21	44	52	63
<b>CIVIL</b>	913	981	1132	1112	1246	1476	1665	1866	2028
Prisoner Petitions	250	229	235	279	417	420	546	517	566
Civil Rights	158	171	177	216	219	272	304	396	405
Social Security	72	91	161	89	143	142	150	165	197
Diversity	148	148	147	167	165	212	254	261	241
Other Civil	285	342	412	361	302	430	411	527	619
<b>ORIGINAL PROCEEDINGS</b>	26	27	29	20	34	21	33	21	32
<b>CRIMINAL</b>	347	383	371	456	354	347	351	347	380
<b>TOTAL CASES FILED</b>	1436	1628	1827	1795	1889	2103	2376	2541	2783

The chart below shows how the 1983 filings are divided by case type. As last year, civil cases account for 73% of all filings with criminal cases and prisoner petitions combined for 34% of the cases docketed.



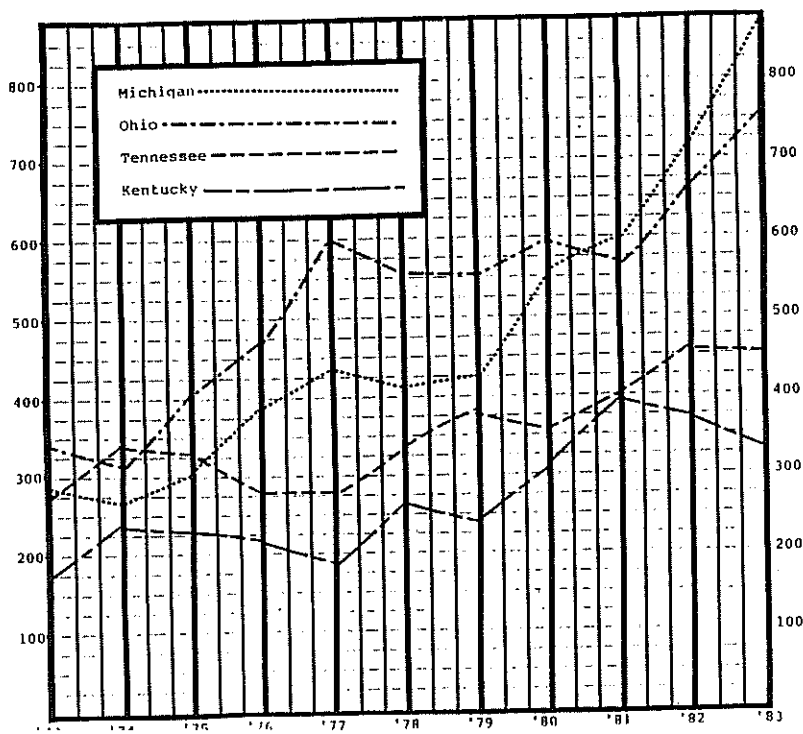


## SOURCE OF FILINGS

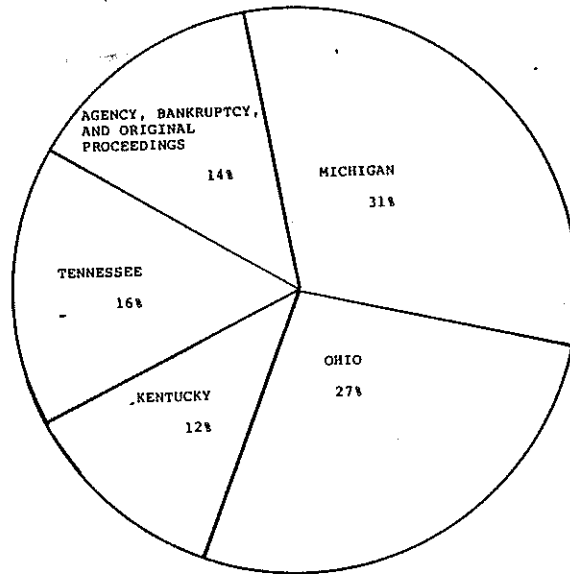
The following table and accompanying graph show the sources of new case filings. Filings in the states of Michigan and Ohio continue to increase sharply, while Tennessee's and Kentucky's filings have decreased since last year.

SOURCE OF FILINGS  
FOR TWELVE-MONTH PERIOD JULY - JUNE  
1974 through 1983

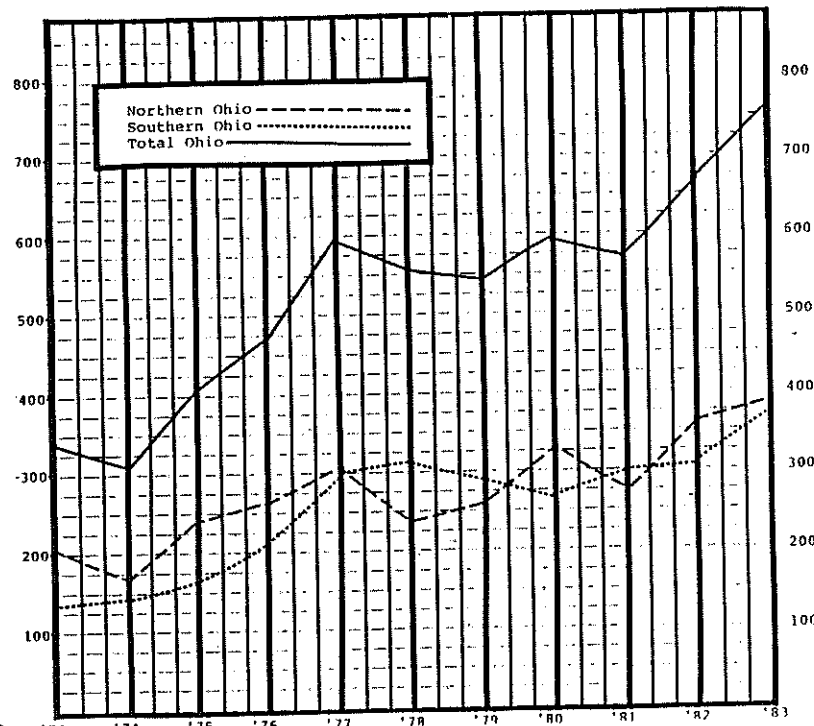
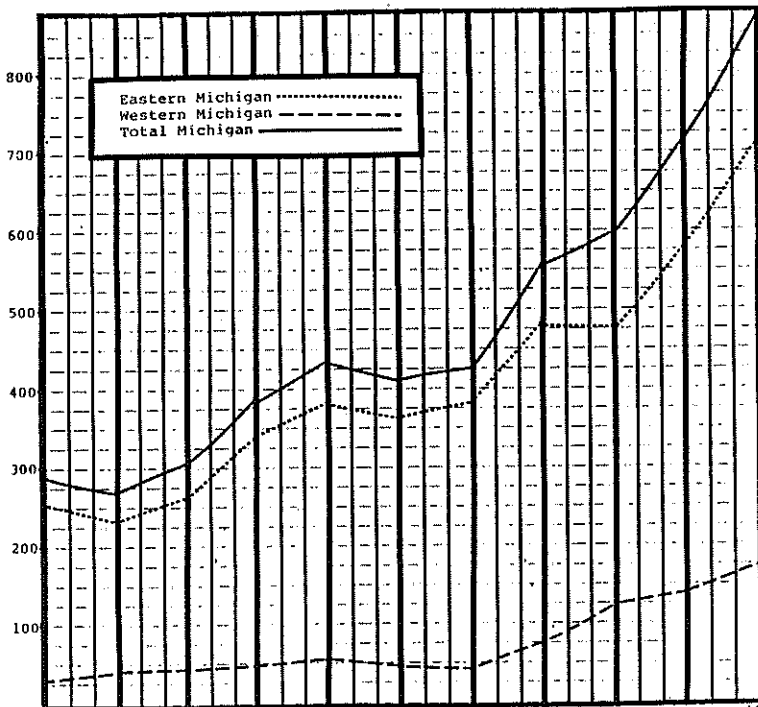
	74	75	76	77	78	79	80	81	82	83
Northern Ohio	172	243	264	304	241	265	327	284	359	386
Southern Ohio	145	163	207	295	316	289	271	303	303	370
<b>TOTAL OHIO</b>	<b>317</b>	<b>406</b>	<b>471</b>	<b>599</b>	<b>557</b>	<b>554</b>	<b>598</b>	<b>587</b>	<b>662</b>	<b>756</b>
Eastern Kentucky	131	124	113	107	138	107	118	190	174	166
Western Kentucky	110	102	109	84	128	133	184	213	200	163
<b>TOTAL KENTUCKY</b>	<b>241</b>	<b>226</b>	<b>222</b>	<b>191</b>	<b>266</b>	<b>240</b>	<b>302</b>	<b>403</b>	<b>374</b>	<b>329</b>
Eastern Michigan	231	261	340	383	364	378	482	496	578	702
Western Michigan	39	41	48	52	48	47	75	124	139	171
<b>TOTAL MICHIGAN</b>	<b>270</b>	<b>302</b>	<b>388</b>	<b>435</b>	<b>412</b>	<b>425</b>	<b>557</b>	<b>620</b>	<b>717</b>	<b>873</b>
Eastern Tennessee	128	124	84	78	108	113	147	144	164	159
Middle Tennessee	99	85	75	97	90	118	78	113	152	134
Western Tennessee	119	122	124	103	135	150	141	149	144	157
<b>TOTAL TENNESSEE</b>	<b>346</b>	<b>331</b>	<b>283</b>	<b>278</b>	<b>333</b>	<b>381</b>	<b>366</b>	<b>406</b>	<b>460</b>	<b>450</b>
<b>AGENCY</b>	<b>143</b>	<b>145</b>	<b>216</b>	<b>267</b>	<b>181</b>	<b>235</b>	<b>238</b>	<b>283</b>	<b>255</b>	<b>280</b>
<b>ORIGINAL PROCEEDINGS</b>	<b>18</b>	<b>26</b>	<b>27</b>	<b>29</b>	<b>20</b>	<b>34</b>	<b>21</b>	<b>33</b>	<b>21</b>	<b>32</b>
<b>BANKRUPTCY</b>	<b>-</b>	<b>-</b>	<b>21</b>	<b>28</b>	<b>26</b>	<b>20</b>	<b>21</b>	<b>44</b>	<b>52</b>	<b>63</b>
<b>TOTAL</b>	<b>1335</b>	<b>1436</b>	<b>1628</b>	<b>1827</b>	<b>1795</b>	<b>1889</b>	<b>2103</b>	<b>2376</b>	<b>2541</b>	<b>2783</b>

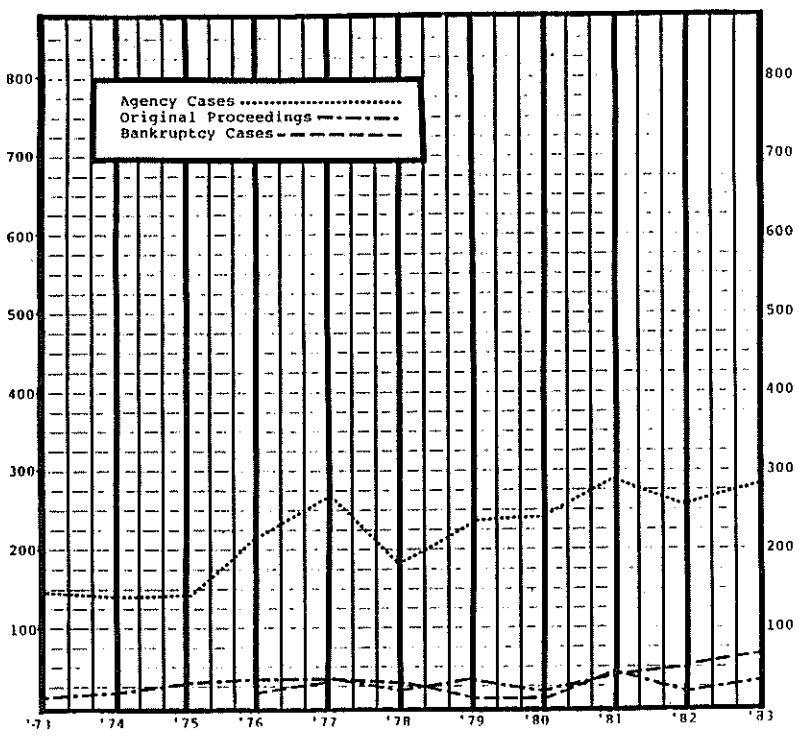
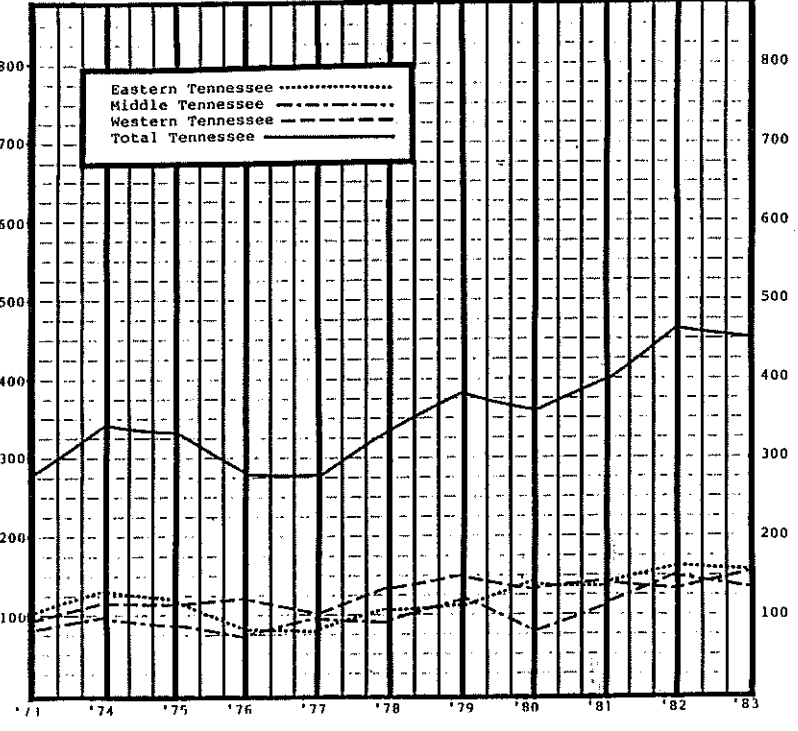
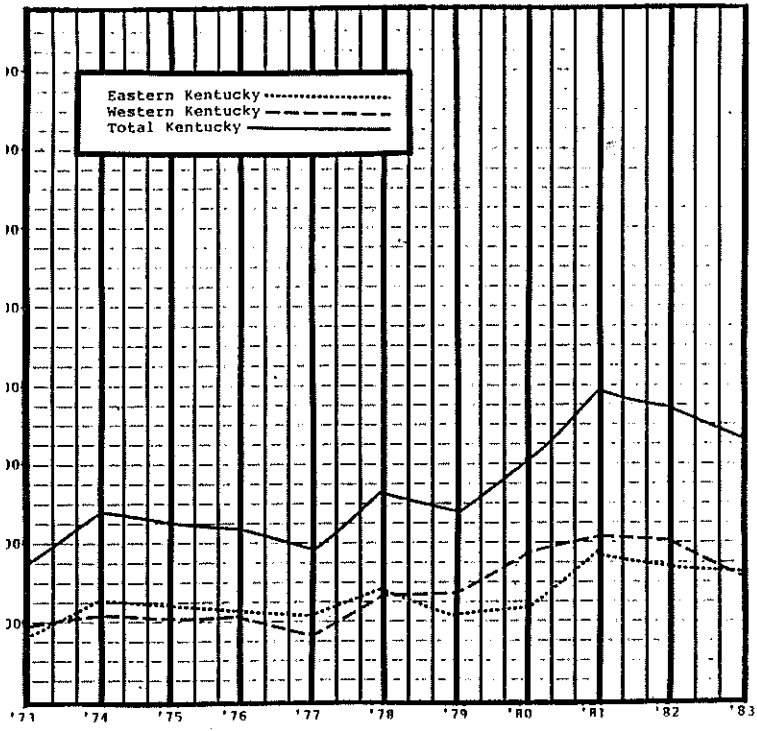


This year, cases arising from the states of Michigan and Ohio account for 58% of the new case filings. Last year this figure was 54%



The following four charts show the changes in filings by the various district courts within the circuit and compares them to their respective state totals. The fifth chart shows changes in agency and bankruptcy case filings since 1973 along with cases originating in the Court of Appeals for the same period.

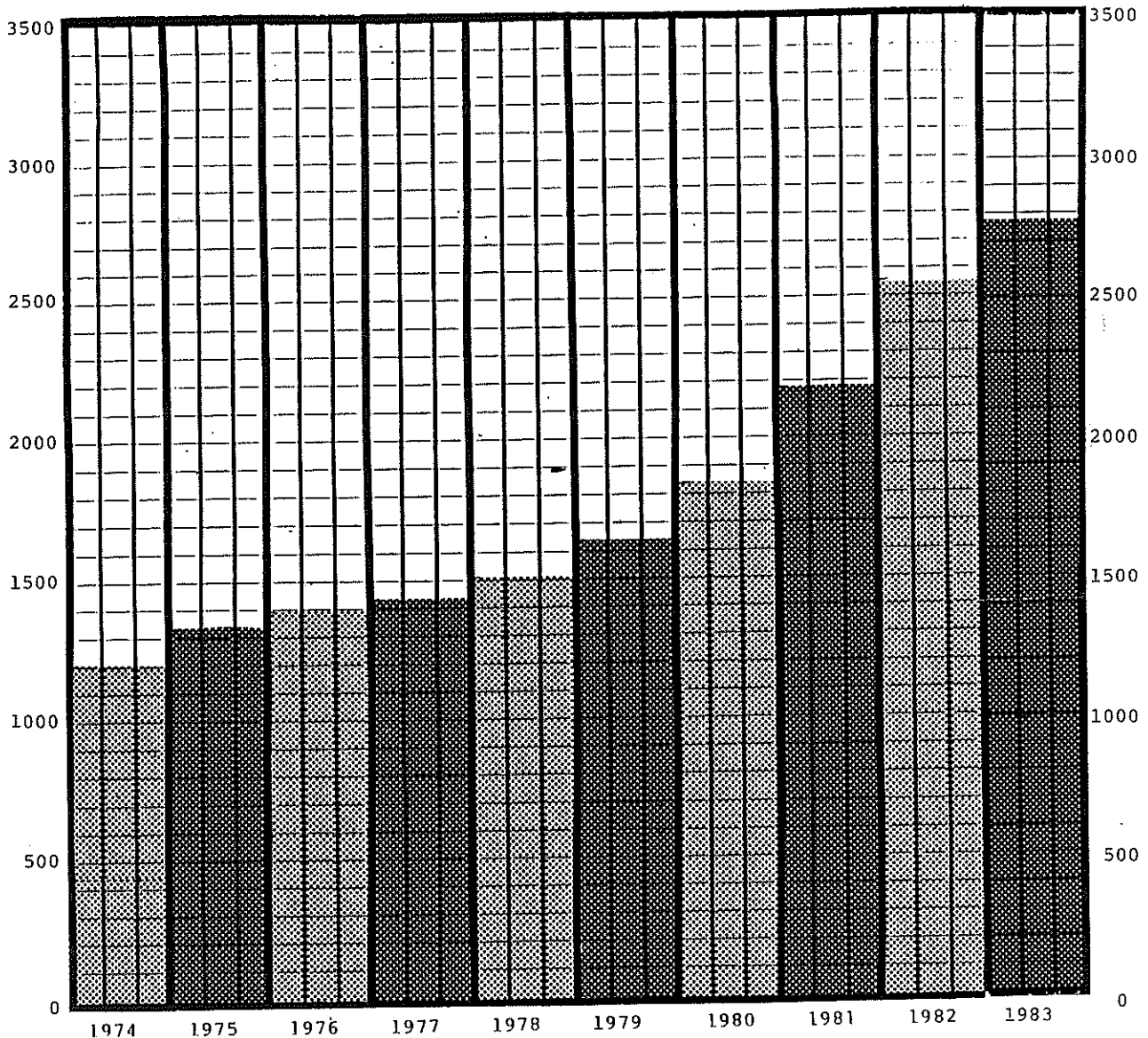




## DISPOSITIONS

The bar graph below shows the case dispositions for each year since 1974. Dispositions have increased over 130% during this period. However, three-fifths of this increase occurred during the last three years.

Dispositions as of June 30, 19\_\_



The table and charts on the following pages show the categories of dispositions by the Court. Cases were submitted on briefs only after parties were given the opportunity for argument but sought and received the Court's approval to waive oral argument. In 1983, 48% of all cases terminated during the year were afforded the opportunity for oral argument.

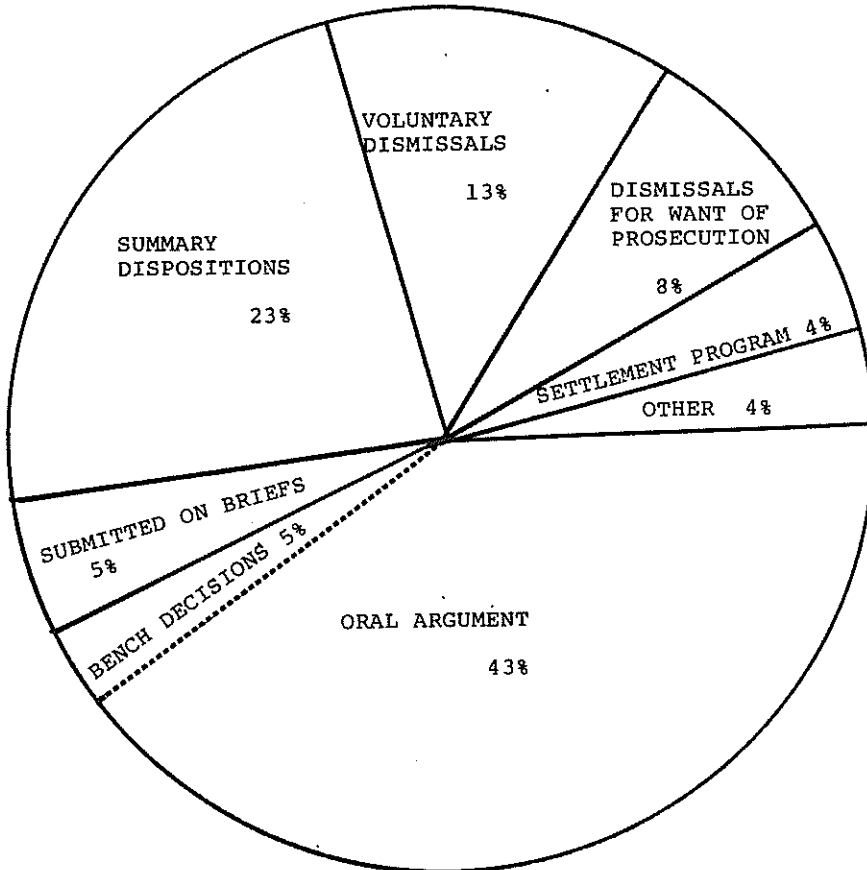
SUMMARY OF DISPOSITIONS  
FOR THE TWELVE MONTH PERIOD JULY - JUNE  
1980 through 1983

	80	81	82	83
ORAL ARGUMENT	900	1224	1137	1206
Bench Decisions*	-	1	66	96
SUBMITTED ON BRIEFS	112	103	96	143
SUMMARY DISPOSITIONS (Rule 9)	406	444	574	636
VOLUNTARY DISMISSALS	289	344	445	379
DISMISSALS FOR WANT OF PROSECUTION	95	107	187	217
SETTLEMENT PROGRAM**	-	-	14	101
OTHER	45	42	98	103
<b>TOTAL</b>	<b>1847</b>	<b>2264</b>	<b>2551</b>	<b>2785</b>

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\*Sixth Circuit Rule 19 authorizing the issuance of bench decisions went into effect in June, 1981

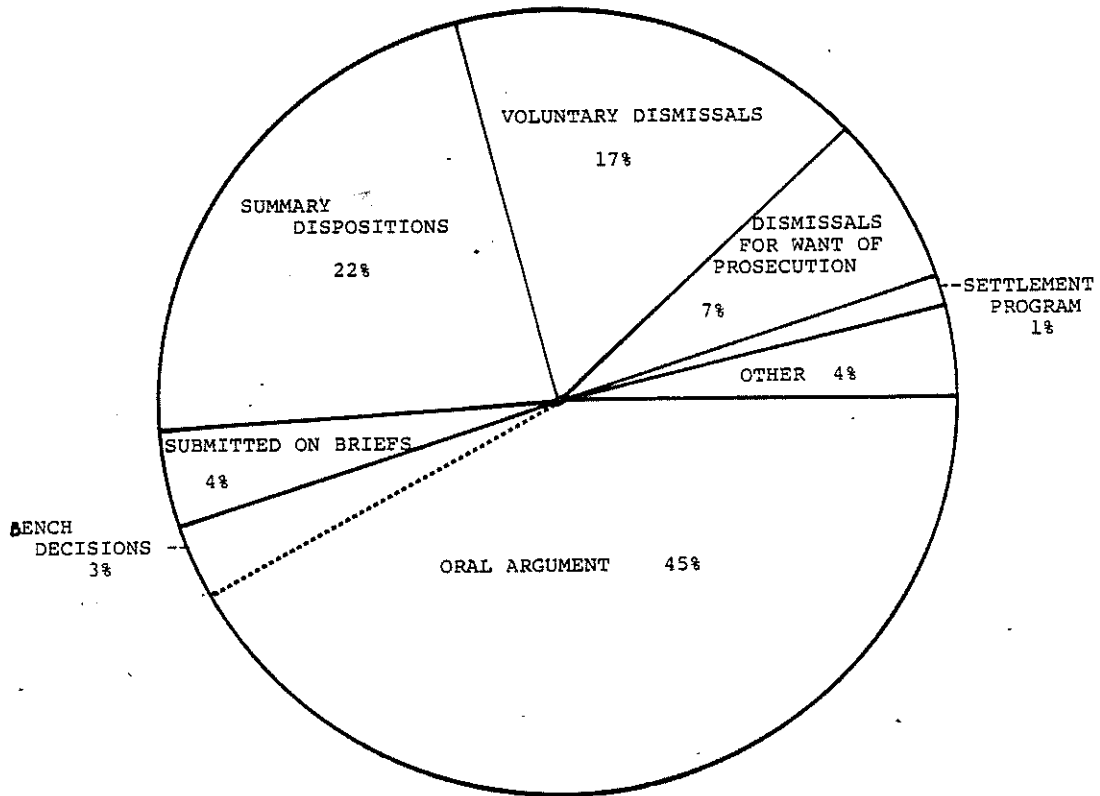
\*\*Implementation of the settlement program started in January, 1982.

SUMMARY OF CASE DISPOSITIONS  
For the 12-month Period Ending June 30, 1983



SUMMARY OF CASE DISPOSITIONS

For 12-Month Period Ending June 30, 1982



SUMMARY OF CASE DISPOSITIONS

For 12-Month Period Ending June 30, 1981

