

2000 Annual Report

*Presented to
Sixth Circuit Judicial Conference
May 31 - June 3, 2000
Cincinnati, Ohio*

*Hon. Boyce F. Martin, Jr.
Chief Judge*



A Message From the Chief Judge

OVERVIEW

The overall state of the judiciary in the Sixth Circuit remains very good. We have had another year of relative stability in our caseloads, and, with the exception of the Court of Appeals, there are no serious problems of judicial vacancies in our courts.

Although the judiciary did not receive full funding for FY 2000, the amount received was sufficient to permit us to carry on our business without any substantial reduction in services. We continue, however, to shortchange counsel appointed under the Criminal Justice Act because Congress has failed to fully fund adequate rates of compensation for court appointed counsel.

WELCOME

I take great pleasure in welcoming the judges, life members, delegates and open conference attendees to the 60th Conference of the Sixth Judicial Circuit. As you know, Cincinnati has been the headquarters of the Sixth Circuit since its inception in 1891, and its many charms are well known to the judges of our court. We also are pleased that so many lawyers from throughout the circuit will have the opportunity to spend some time here in the valuable substantive programs and the enjoyable social events that make up our conference.

The conference planning committee, chaired by Judge Leon Jordan, again has given us an outstanding group of topics and speakers. I hope that each of you finds this conference to be professionally rewarding as well as enjoyable.

WORKLOAD

The following are some of the highlights of the workload of the circuit, district and bankruptcy courts in the Sixth Circuit for the twelve-month period ending September 30, 1999.

Court of Appeals

- New filings increased by 3.8 percent to 4,884 cases. The largest increase in filings was in original proceedings and in prisoner cases. Bankruptcy appeals also increased by 23 percent, while criminal and private civil each dropped by less than 5 percent.
- Appeals terminated increased by nearly 11 percent to 4,800. This significant increase in terminations was due to a special effort to schedule additional hearing panels during 1999. Unfortunately, the current and projected number of vacancies on the court will not permit that level of hearings for the foreseeable future.

District Courts

- Circuit-wide, civil filings decreased by 19 percent. Most of this decrease is attributable to drops in filings in the Eastern District of Michigan and the Northern District of Ohio. Both of those districts had experienced an unusually high level of filings due to mass tort litigation in the breast implant cases and the asbestos cases.
- Civil terminations increased by 20 percent over 1998, with the greatest increase in the Northern District of Ohio.
- Criminal filings decreased by nearly 2 percent in the Sixth Circuit during 1999.

Bankruptcy Courts

- For the first time in several years, bankruptcy filings in the Sixth Circuit declined. Total bankruptcy filings decreased by 6.7 percent in 1999.
- Bankruptcy terminations decreased by 3.8 percent circuit-wide, and the number of pending bankruptcy cases rose by .5 percent.

BANKRUPTCY APPELLATE PANEL

I am happy to report that the Western District of Tennessee joined the Bankruptcy Appellate Panel (BAP) effective February 1, 2000. That district joins the Northern and Southern Districts of Ohio, which have authorized their bankruptcy appeals to be heard by the BAP since 1997.

The BAP is staffed by only five sitting bankruptcy judges who have volunteered for BAP duty in addition to their regular dockets. Unlike several other BAPs, the Sixth Circuit BAP has no separate clerk's office or other staff. Instead, the Clerk of the Court of Appeals also serves as clerk of the BAP, and the Circuit Mediation Office provides mediation services to litigants before the BAP.

During 1999 the Honorable Thomas F. Waldron, who had served as chief judge of the BAP since its inception relinquished his position on the BAP so that he could devote his full attention to his duties as

chief bankruptcy judge for the Southern District of Ohio. Judge Waldron was replaced on the BAP by Bankruptcy Judge J. Vincent Aug of the Southern District of Ohio, and the Honorable Steven W. Rhodes of the Eastern District of Michigan was named as the chief judge of the BAP.

ACCOMPLISHMENTS

Conference Format. I am very pleased to announce that the Court of Appeals has adopted a new policy governing the format of the circuit conferences. As many of you know, the membership and format of the Sixth Circuit Judicial Conference have been the subject of ongoing study and discussion for a number of years. A part of this discussion has included the questions of whether we should continue to have "traditional" conferences where judges select the delegates or whether we should open the conferences to all attorneys admitted to federal practice, and whether we should continue to have judges only conferences.

At the heart of these discussions was the question of whether we should continue the life member system with or without changes. While there was a good deal of discussion about the life member system in recent years, we realized a few years ago that there had not been very much discussion with the life members about the future of the conferences. To engage in that discussion, we appointed a representative group of life members and asked that group to give the court its recommendations. That group, which was chaired by G. Wilson Horde of Tennessee, produced a number of recommendations,

most of which were adopted by the Court of Appeals as Local Rule 205.

Some of the key changes that would be made by Rule 205 are summarized as follows:

- **Two types of conferences.** Beginning with the conference held in 2000, there will be two types of conferences: open conferences and judges only conferences. Open conferences will be held in even numbered years and judges only conferences will be held in odd numbered years.
- **Continuation of delegate system.** For open conferences, Article III judges will continue to have the opportunity to name a delegate to attend the conference. To be eligible to be selected as a delegate, an attorney must have been in practice in the federal courts of this circuit for at least five years.
- **Open attendance policy.** In addition to the delegates named by judges for open conferences, any attorney admitted to practice in one or more federal courts in this circuit will be eligible to attend upon registration.
- **Eligibility for life membership.** Delegates who attend three conferences will automatically become

eligible for life membership. Attorneys who attend three conferences after having been engaged in practice in the federal courts of this circuit for at least five years may become a life member upon the recommendation of an Article III judge of this circuit.

- **Transition to the new system.** The new three-year attendance rule for life membership has been applied to those delegates who have attended three conferences as a delegate.
- **Maintenance of life member status.** In order to maintain active life member status, a life member will be required to attend three of five successive open conferences and to pay annual dues. There are provisions for lapsed members to regain active status and for retired members to opt for "senior status."
- **Retired or former judges.** There is a new provision that would make any judge who has resigned or retired from office under honorable circumstances a life member of the conference.

All lawyers who practice in the federal courts of this circuit – not just the life members of this circuit – owe a great debt of gratitude to Wilson Horde and his committee of life members. Their work has insured that all lawyers who are interested in and committed to the work of

the federal courts will have an opportunity to participate in a meaningful way in the judicial conferences of our circuit.

CHALLENGES AHEAD

Circuit Vacancies. There now are four vacancies on the Court of Appeals. This represents a loss of one-fourth of our authorized strength. One of those vacancies is now five years old; another is over one year old at the time of this report. The other two are of relatively recent vintage. Although the President has submitted nominations for three of the four vacancies, none of them has received any consideration by the Senate. My greatest concern is that the Senate will fail to take up any of the vacancies until after the next election. If the Senate does fail to fulfill its responsibility this year, it will be well into 2001 before any of the existing vacancies can be filled. By that time there may be several additional vacancies as four additional judges will be eligible for senior status in 2001.

Judicial Emergency. During the last year the Court of Appeals has been relying heavily on district judges to fill out our panels. Most panels now have one visiting judge. In the future, however, we may have to resort to having panels consisting of one circuit judge and two visiting judges. On January 1, 2000 I entered an order declaring a judicial emergency in the Court of Appeals pursuant to 28 U.S.C. § 46(b). The effect of such an order is to permit panels to be scheduled that consist of only one circuit judge and two visiting district or circuit judges.

These continuing long-term vacancies will continue to erode the success that we have experienced in remaining relatively current in our work. When we seek additional outside help, those who visit us many times are pressed to complete their own work before their time can be spent on work for the Court of Appeals. This results in increasing delays in the dispositions before the Court of Appeals.

Courthouse Construction. After three years of failing to request any funding for new courthouse construction, the Administration earmarked approximately \$500 million for new courthouses in its 2001 budget request. While this is a welcome development and will begin moving the construction program forward, the backlog of needed projects will result in several badly needed projects in the Sixth Circuit being delayed for at least another year.

Panel Attorney Compensation. Inadequate compensation for court-appointed attorneys in federal criminal cases limits the ability of judges to recruit more qualified attorneys to provide effective representation to defendants in federal criminal prosecutions. In 1986 the Criminal Justice Act was amended to authorize the Judicial Conference of the United States to set the hourly rates of compensation for attorneys who take federal criminal appointments at amounts up to \$75 per hour. The Conference has recommended that the rates for both in-court and out-of-court work be set at \$75 per hour. Nevertheless, Congress refused to fund the rate increases.

Some progress was made last year, when Congress did provide sufficient funds to increase the rates by \$5 per hour, which increases the in-court rate to \$70 and the out-of-court rate to \$50. In FY 2001, the judiciary will again request full funding to compensate panel attorneys at the \$75 rate for all services. We hope that Congress will give favorable consideration to this important request.

Judicial Compensation. For only the second time since 1993, judges received a cost of living salary adjustment. In 1989 Congress sought to resolve the long-term problem of voting salary increases for its own members by enacting a law which provides for annual cost of living salary adjustments for members of Congress, federal judges, and certain top officials in the Executive Branch. Under that law those positions would receive the same cost of living adjustments that career government employees receive, less one half of one percent. Congress permitted the law to take effect from 1990 until 1993. Thereafter, with only two exceptions, Congress has affirmatively voted to deny the cost of living adjustment to its members, federal judges and top government executives. The law providing for the annual cost of living adjustments should be permitted to operate as intended.

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

JUDICIAL CONFERENCE of the UNITED STATES

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

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

The Judicial Conference meets twice each year - in March and September. The Conference is composed of the Chief Justice, the Chief Judge of each of the twelve geographic circuits, the Chief Judge of the Federal Circuit, the Chief Judge of the Court of International Trade, and a district judge representative from each of the twelve circuits. The district judge representative is elected by vote of the judges of the circuit he or she represents and usually serves for a term of three years. Judge Thomas A. Wiseman, Jr. of the Middle District of Tennessee is the current representative of the Sixth Circuit.

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

determines how the funds appropriated by Congress are spent within the judiciary.

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

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

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

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

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

Hon. David D. Dowd
Northern District of Ohio
*Advisory Committee on Criminal Rules
Advisory Committee on Rules of Evidence*

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

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

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

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

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

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

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

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

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

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

Hon. Gerald Rosen
Eastern District of Michigan
Committee on Criminal Law

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

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

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



JUDICIAL COUNCIL of the SIXTH CIRCUIT

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

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

Council Membership

Chief Boyce F. Martin, Jr., Chair
Circuit Judge Danny J Boggs
Circuit Judge Alan E. Norris
Circuit Judge Richard F. Suhrheinrich
Circuit Judge Eugene E. Siler, Jr
Circuit Judge Alice M. Batchelder
Circuit Judge Martha Craig Daughtrey
Circuit Judge Karen Nelson Moore
Circuit Judge R. Guy Cole, Jr.
Circuit Judge Ronald L. Gilman
Chief District Judge Henry L. Wilhoit, Jr.
Eastern District of Kentucky
Chief District Judge Charles R. Simpson III
Western District of Kentucky
Chief District Judge Lawrence P. Zatkoff
Eastern District of Michigan
Chief District Judge Richard A. Enslin
Western District of Michigan
Chief District Judge Paul R. Matia
Northern District of Ohio
Chief District Judge Walter H. Rice
Southern District of Ohio
Chief District Judge R. Allan Edgar
Eastern District of Tennessee
Chief District Judge Robert L. Echols
Middle District of Tennessee
Chief District Judge Julia S. Gibbons
Western District of Tennessee

Non-voting Members:

Bankruptcy Judge David T. Stosberg
Western District of Kentucky

Magistrate Judge Peggy P. Patterson
Eastern District of Kentucky

Executive Committee

Honorable Boyce F. Martin, Jr., Chair
Honorable Danny J. Boggs
Honorable Alan E. Norris
Honorable Eugene E. Siler, Jr.
Honorable Julia Smith Gibbons
Honorable R. Allan Edgar
Honorable Robert L. Echols

Investigating Committee

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

The Council meets in regular session two to three times each year, including a meeting in conjunction with the circuit judicial conference. Special meetings are held as necessary, and some business of the Council is transacted by mail votes, either of the full council or of the executive committee, 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 and bench trials under advisement and civil cases awaiting trial and the disposition of vouchers pending for more than 90 days filed by counsel and experts appointed under the Criminal Justice Act.



JUDICIAL CONDUCT and DISCIPLINE

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

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

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

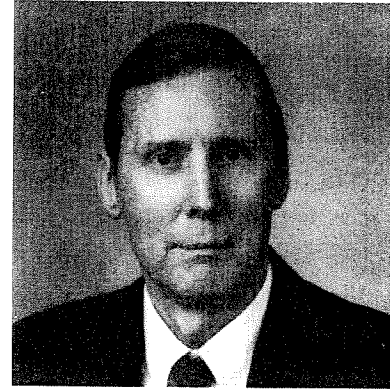
During the year ended December 31, 1999, 64 complaints were filed in the Sixth Circuit, and 68 complaints were terminated by dismissal. One complaint filed during 1999 required the activation of the Special Investigating Committee; that complaint is still pending.



OFFICE of the CIRCUIT EXECUTIVE

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

In addition to the Circuit Executive, the office is staffed by four Assistant Circuit Executives. Thomas M. D'Alessandro serves as Assistant Circuit Executive for Administration with primary responsibility for procurement and budget matters and oversight over the space and facilities functions. Kay Lockett is the Assistant Circuit Executive for Program Management, with primary responsibility for staff support to the 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. William M. Eggemeier is Assistant Circuit Executive for Automation. He heads up the consolidated automation support unit for the Court of Appeals, which operates the case management system, provides personal computer support and training, and ad-



*James A. Higgins
Circuit Executive*

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



JUDICIAL PERSONNEL IN THE SIXTH CIRCUIT

DEATHS

Charles M. Allen. The Honorable Charles Mengel Allen, United States District Judge for the Western District of Kentucky, died on January 4, 2000 at the age of 83. Judge Allen was appointed to the District Court on November 30, 1971 and was sworn in on December 10, 1971. He served as Chief Judge of the District from July 26, 1977 to September 30, 1985. From 1978 to 1981 Judge Allen served as the Sixth Circuit's district judge representative on the Judicial Conference of the United States; and from 1985 to 1987, he served as a member of the Judicial Conference Committee on Administration of the Criminal Law. He assumed senior status on October 1, 1985 and continued until his passing to render valuable service to the District Court.

Bernard T. Moynahan, Jr. The Honorable Bernard Thomas Moynahan, Jr. retired United States District Judge for the Eastern District of Kentucky died on September 30, 1999 at age 80. Judge Moynahan was appointed to the District Court on November 22, 1963 and he served as Chief Judge of the District from December 23, 1969 until September 30, 1984 at which time he retired from the bench. Prior to his appointment to the District Court, Judge Moynahan served as United States Attorney for the Eastern District of Kentucky from September 8, 1961 to November 22, 1963. Following his retirement from the bench, Judge

Moynahan returned to the private practice of law with the firm of Moynahan, Irvin & Smith in Nicholasville, Kentucky.

Jerome Turner. The Honorable Jerome Turner, United States District Judge for the Western District of Tennessee, died on February 12, 2000 at the age of 57. Judge Turner was appointed to the District Court on December 9, 1987 and was sworn in on January 19, 1988. From 1966 to 1967, Judge Turner served as law clerk to United States District Judge Robert M. McRae of the Western District of Tennessee; and when Judge McRae assumed senior status, Judge Turner was appointed to fill his vacancy. At the time of his appointment to the bench, Judge Turner was in private practice in Memphis.

William J. O'Neill. the Honorable William J. O'Neill, retired United States Bankruptcy Judge for the Northern District of Ohio, died on January 12, 2000 at age 78. Judge O'Neill was originally appointed Referee in Bankruptcy on June 1, 1961 and was reappointed four times to six year terms before being appointed to a fourteen year term on September 19, 1986. Judge O'Neill retired on September 30, 1994 and served one year on recall status. Prior to his appointment to the Bankruptcy Court, Judge O'Neill served as the United States Attorney for the Northern District of Ohio from 1957 to 1961.

Doyle A. Rowland. The Honorable Doyle A. Rowland, United States Magistrate Judge for the Western District of Michigan at Kalamazoo, died in an automobile accident on the evening of February 29, 2000. He was 61 years of age. Judge Rowland was appointed on December 17, 1985 and was serving his second 8-year term. He received his B.A. from Eastern Michigan University and his J.D. from Detroit College of Law. Prior to his appointment, Judge Rowland was in private practice. He also served as Prosecuting Attorney for Midland County, Michigan from 1976 to 1980.

SIXTH CIRCUIT COURT OF APPEALS

SENIOR STATUS

David A. Nelson. The Honorable David A. Nelson, United States Circuit Judge for the Sixth Circuit, assumed senior status on October 1, 1999. He was appointed to the Sixth Circuit Court of Appeals on October 17, 1985. Prior to his appointment to the Court, Judge Nelson was a partner in the law firm of Squire, Sanders & Dempsey. He also served as General Counsel, U.S. Post Office Department, and Senior Assistant Postmaster General and General Counsel, U.S. Postal Service. Judge Nelson continues to render valuable service to the Court.

James L. Ryan. The Honorable James L. Ryan, United States Circuit Judge for the Sixth Circuit, assumed senior status on January 1, 2000. He was

appointed to the Sixth Circuit Court of Appeals on October 17, 1985. Prior to his appointment to the Sixth Circuit, Judge Ryan was a Justice on the Supreme Court of Michigan. Judge Ryan was the founder and Supervising Justice of the Michigan Judicial Institute and was the Supervising Justice, Wayne County Court Reorganization. He continues to render valuable service to the Court.

UNITED STATES DISTRICT COURTS

SENIOR STATUS

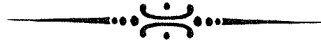
Avern Cohn. The Honorable Avern Cohn, United States District Judge for the Eastern District of Michigan, assumed senior status on October 9, 1999. Judge Cohn was appointed to the District Court on September 26, 1979 and was sworn in on October 9, 1979. Prior to his appointment to the bench, he was a partner in the law firm of Honigman, Miller, Schwartz and Cohn. Judge Cohn served for several years on the Judicial Conference Committee on Administration of the Magistrate Judges System. He continues to render valuable service to the District and Circuit Courts.

RETIREMENT

John Y. Powers. The Honorable John Y. Powers retired as United States Magistrate Judge for the Eastern District of Tennessee at Chattanooga on July 29, 1999. Judge Powers was appointed on February 21, 1984. Prior to his

appointment he was in private practice in Chattanooga. He continues to serve the District in recall status.

David S. Perelman. The Honorable David S. Perelman retired as United States Magistrate Judge for the Northern District of Ohio on July 12, 1999. Judge Perelman was appointed on September 14, 1979. Prior to his appointment he was law clerk to United States District Judge Ben C. Green. He continues to serve the District in recall status.



NEW APPOINTMENTS

UNITED STATES DISTRICT JUDGES

William J. Haynes, Jr. The Honorable William J. Haynes, Jr. was sworn in as United States District Judge for the Middle District of Tennessee on November 16, 1999. He was appointed to succeed United States District Judge Thomas A. Higgins who assumed senior status on February 28, 1999. Prior to this appointment, Judge Haynes had served as United States Magistrate Judge for the Middle District of Tennessee since December 7, 1984.

SIXTH CIRCUIT BANKRUPTCY JUDGES

Marian F. Harrison. The Honorable Marian F. Harrison was sworn in as United States Bankruptcy Judge for the Middle District of Tennessee at Nashville on December 21, 1999. The position was formerly held by the Honorable Aleta Trauger. For twenty-two years prior to her appointment to the bankruptcy court, Judge Harrison was a partner in the Nashville law firm of Willis & Knight. Prior to practicing law, she served as law clerk to Chief Judge Frank Gray, Jr., United States District Court for the Middle District of Tennessee.



*Hon. Marian F. Harrison
Bankruptcy Judge*

Joan Lloyd Cooper. The Honorable Joan Lloyd Cooper was appointed United States Bankruptcy Judge for the Western District of Kentucky on December 22, 1999. She was appointed to the bankruptcy vacancy created by the retirement of United States Bankruptcy Judge Henry H. Dickinson. Prior to her appointment, Judge Cooper was a partner in the law firm of Wyatt, Tarrant & Combs in Louisville, Kentucky and served on the

firm's Executive and Professional Personnel Recruiting Committees.



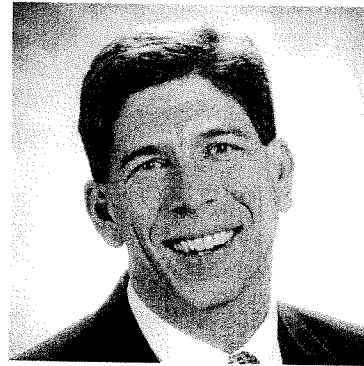
Hon. Joan Lloyd Cooper
Bankruptcy Judge

Jeffrey R. Hughes. The Honorable Jeffrey R. Hughes was appointed United States Bankruptcy Judge for the Western District of Michigan on January 6, 2000. He succeeds United States Bankruptcy Judge Laurence E. Howard who retired on February 28, 1999. Prior to his appointment to the bankruptcy bench, Judge Hughes was a partner in the law firm of Varnum, Riddering, Schmidt & Howlett in Grand Rapids where he specialized in bankruptcy law and commercial litigation.



Hon. Jeffrey R. Hughes
Bankruptcy Judge

John E. Hoffman, Jr. The Honorable John E. Hoffman, Jr. was appointed United States Bankruptcy Judge for the Southern District of Ohio at Dayton on February 25, 2000. Prior to his appointment, he was a partner in the Columbus office of Arter & Hadden LLP. Judge Hoffman formerly served as Chairman of the Columbus Bar Association Bankruptcy Committee. He is a graduate of Wheeling Jesuit College, B.A. 1980, and The Ohio State University School of Law, J.D. 1983.



Hon. John E. Hoffman, Jr.
Bankruptcy Judge

UNITED STATES MAGISTRATE JUDGES

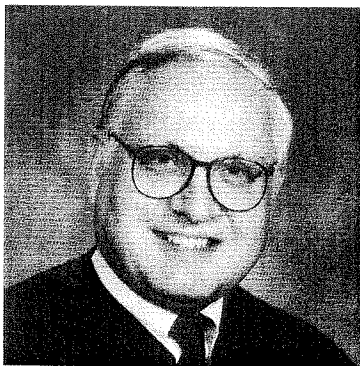
William B. Mitchell Carter. The Honorable William B. Mitchell Carter was appointed United States Magistrate Judge for the Eastern District of Tennessee at Chattanooga on July 30, 1999. Judge Carter succeeds United States Magistrate Judge John Y. Powers who retired but continues to serve in recall status. Prior to his appointment to the bench, Judge Carter was in private practice as managing partner of the law firm of Carter, Mabee &

Parris. Judge Carter also served as municipal judge of Lookout Mountain, Tennessee.



*Hon. William B. Mitchell Carter
Magistrate Judge*

George J. Limbert. The Honorable George J. Limbert was appointed United States Magistrate Judge for the Northern District of Ohio at Youngstown on November 8, 1999. He succeeds Magistrate Judge James D. Thomas who resigned his position on March 31, 1999. Prior to being appointed, Judge Limbert was a member of the Youngstown law firm of Harrington, Hoppe & Mitchell, Ltd.

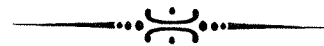


*Hon. George J. Limbert
Magistrate Judge*

William H. Baughman, Jr. The Honorable William H. Baughman, Jr. was appointed United States Magistrate Judge for the Northern District of Ohio at Cleveland on February 16, 2000. Judge Baughman succeeds United States Magistrate Judge David Perelman who retired on July 12, 2000. Prior to his appointment to the bench, Judge Baughman was a partner in the Cleveland law firm of Hurd, Fallon, Paisley & Howley.



*Hon. William H. Baughman, Jr.
Magistrate Judge*



JUDICIAL WORKLOAD IN THE SIXTH CIRCUIT

WORKLOAD IN THE DISTRICT COURTS

The total workload of the district courts decreased in 1999, with civil filings decreasing by 19 percent and criminal filings decreasing by nearly two percent. Terminations of civil cases also decreased by 20 percent, while criminal terminations increased by eight percent. The number of pending civil cases increased by two percent, and the number of criminal terminations increased by slightly more than one percent.

Filings. All districts in the Sixth Circuit experienced a decline in filings per judge.

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

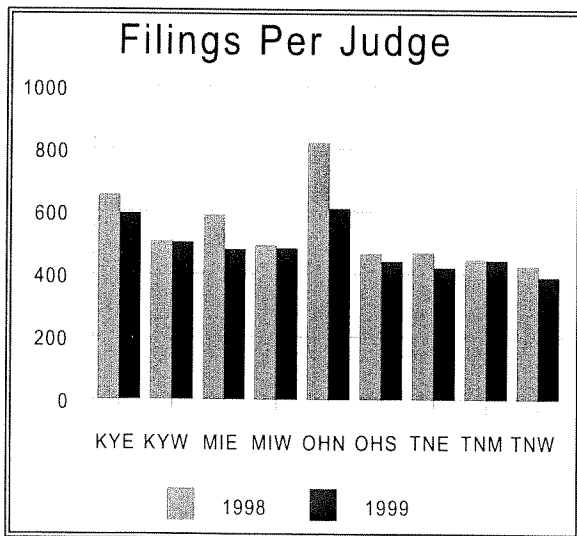


Figure 1

Terminations. The Western District of Kentucky and the Southern District of Ohio experienced slight increases in terminations per judge during 1999. All other districts remained relatively constant in their number of terminations except for the Northern District of Ohio, which showed the largest decrease in terminations.

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

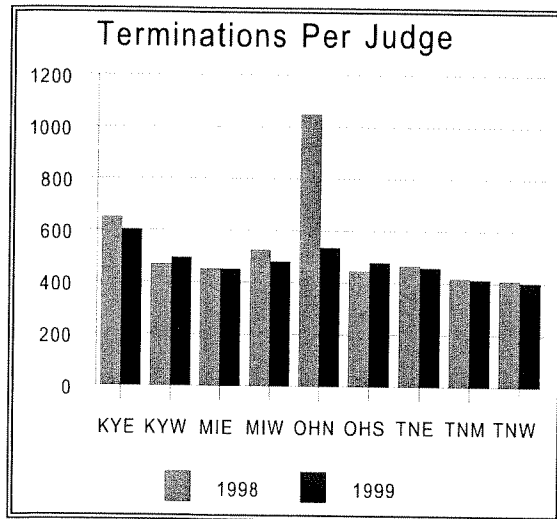


Figure 2

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

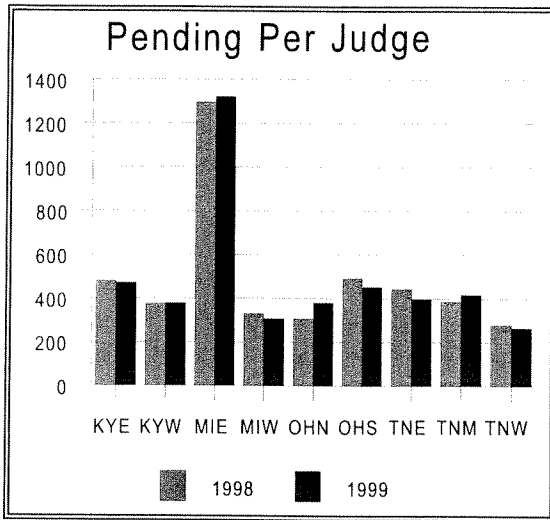


Figure 3

Disposition Times. Figure 4 shows the median time in months from filing to disposition for civil cases for each of the district courts in the Sixth Circuit for fiscal years 1997 and 1998, the most recent years for which data are available.

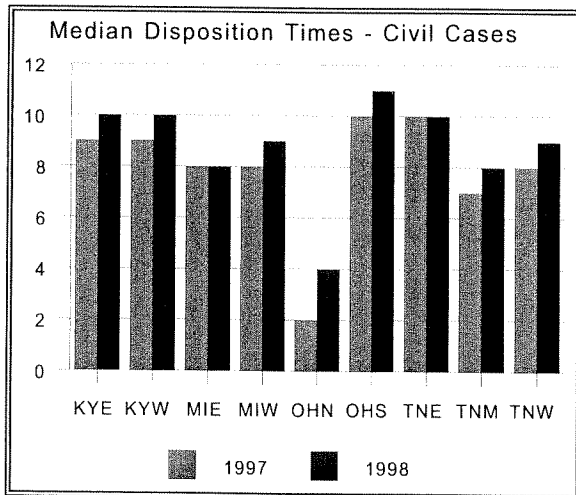


Figure 4

Three Year Old Cases. Figure 5 shows the average number of civil cases more than three years old for each district

in the Sixth Circuit for the same two fiscal years.

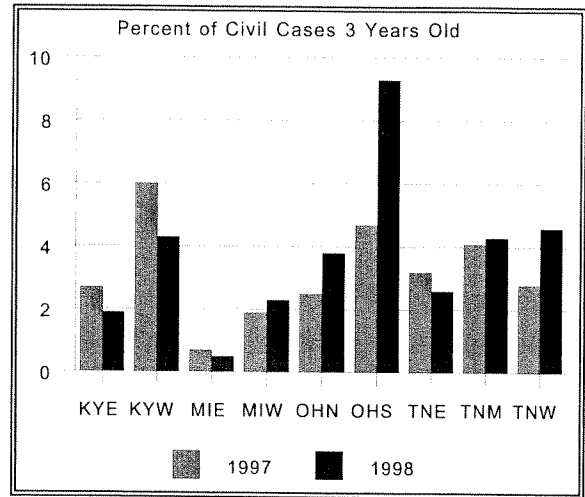


Figure 5

WORKLOAD IN THE BANKRUPTCY COURTS

Although the rate of increase declined slightly in 1998, filings in the bankruptcy courts in the Sixth Circuit continued to increase to more than 170,000 cases in 1998. Figure 6 shows the total bankruptcy filings per judge for each of the bankruptcy courts in the Sixth Circuit.

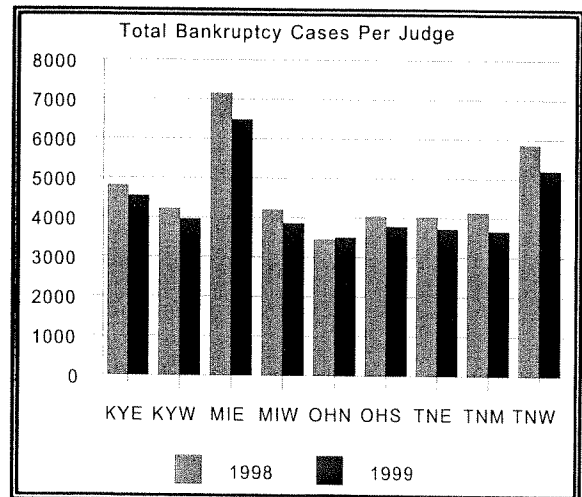


Figure 6

Chapter 7 filings decreased circuit wide by approximately six percent in 1999. **Figure 7** shows the comparison of the Chapter 7 filings per judgeship for each district of the circuit for the last two years.

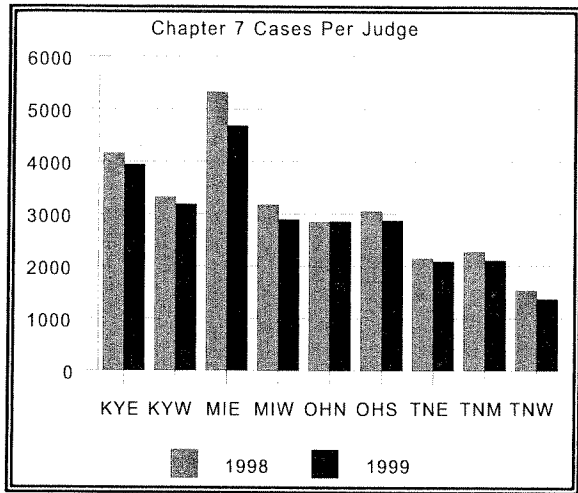


Figure 7

Chapter 13 cases decreased by 8.5 percent during 1999. **Figure 9** shows the chapter 13 bankruptcy filings per judge for each of the bankruptcy courts in the Sixth Circuit for the last two years.

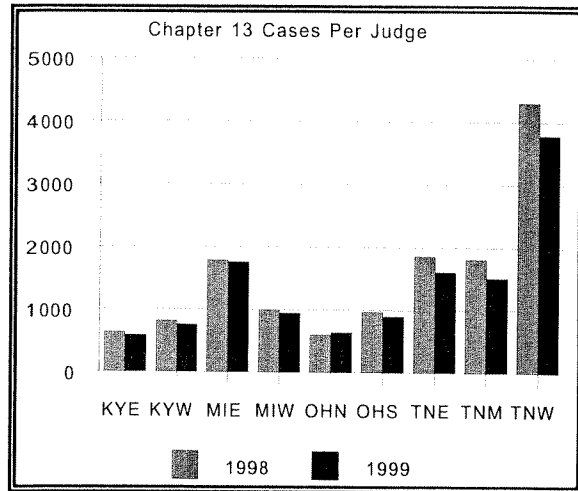


Figure 9

Chapter 11 filings circuit wide increased by 21 percent in 1999. **Figure 8** shows the chapter 11 bankruptcy filings per judge for each of the bankruptcy courts in the Sixth Circuit for the last two years.

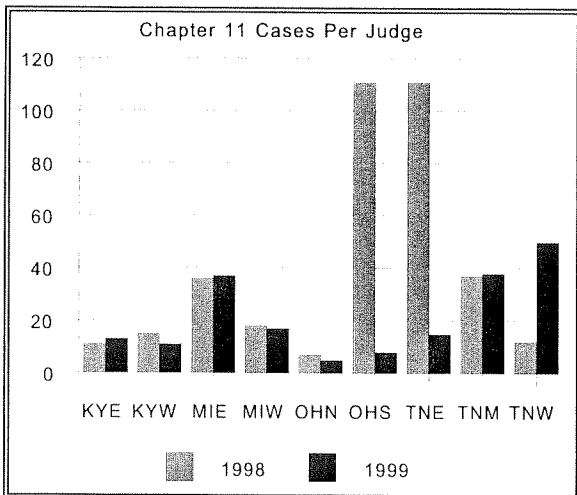
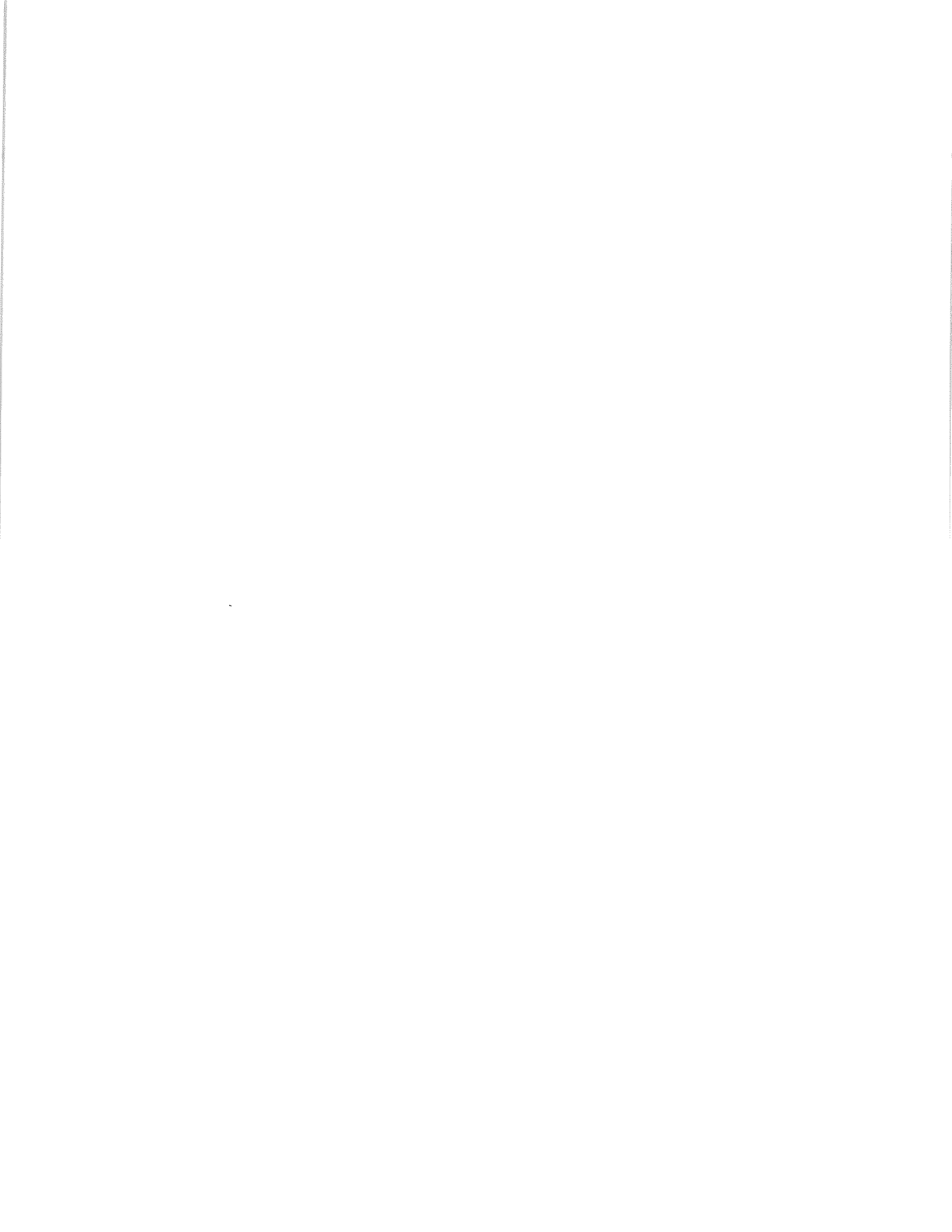
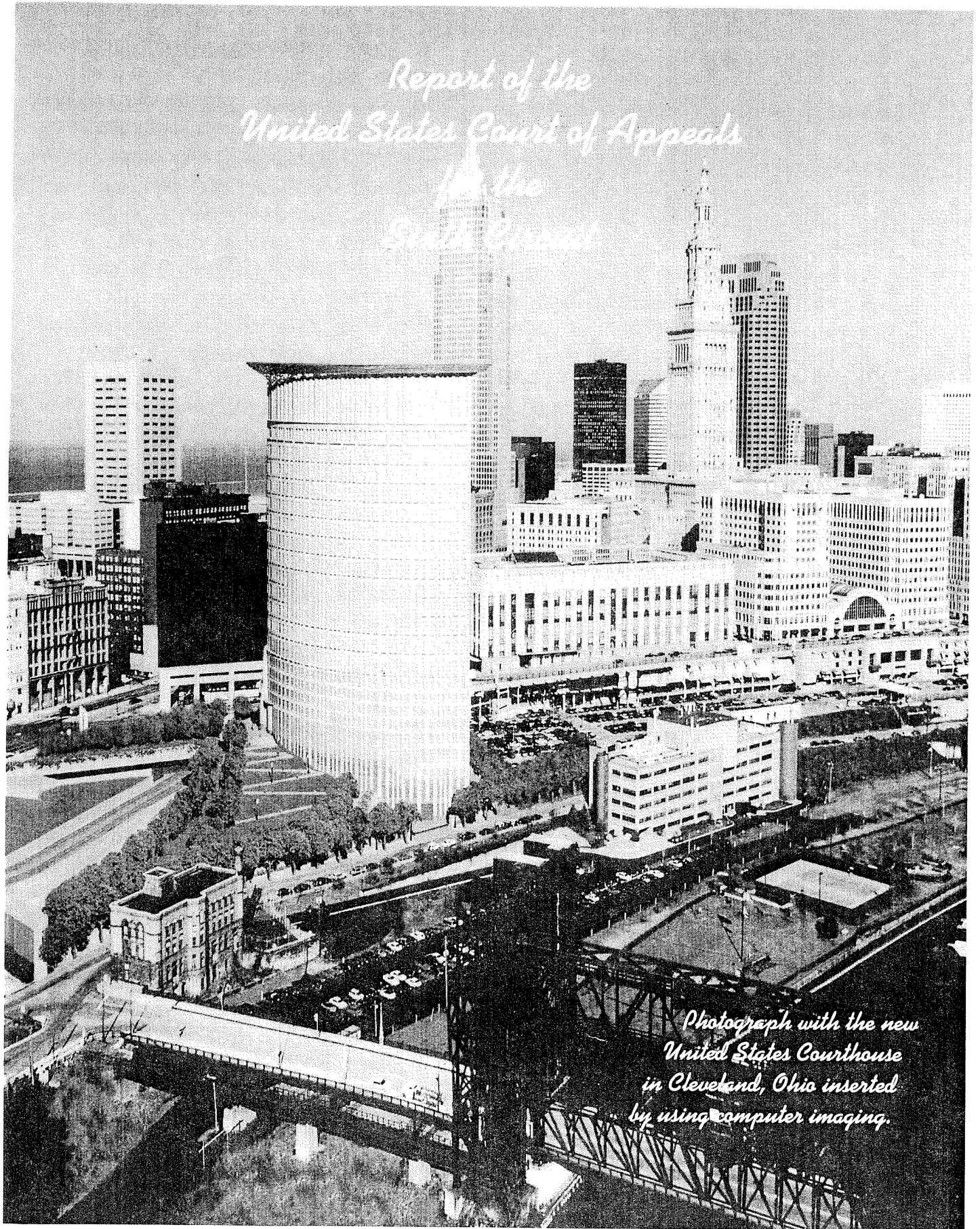


Figure 8



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



*Photograph with the new
United States Courthouse
in Cleveland, Ohio inserted
by using computer imaging.*



Leonard Green, Clerk

**OFFICE OF THE CLERK
U.S. COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

The past year saw the court gain ground on its backlog of pending cases for the first time in the last five years. Although the gain was modest, it nevertheless afforded the court some respite from a workload which continues to be heavy at a time when the court's complement of active judges is down to three-fourths of its authorized strength.

The 4862 new cases filed in 1999 represented a decrease of 3.5% from the previous year, while case terminations rose during the year to 4937, an increase of 9.1%. As a result, the pending caseload at the end of 1999 decreased by 1.6%, to 4493 cases.

The mix of case types represented in the new appeals filed can and does change significantly from year to year. The most notable shifts in the three years portrayed in the following chart, for example, are an increase of nearly one-third in habeas corpus filings, an increase

of nearly one-fourth in federal question cases, and significant, if not quite as pronounced, changes in the filing of both prisoner and non-prisoner civil rights cases. The last three years' experience broken down by case type shows this:

Percentage of total new filings

	<u>1997</u>	<u>1998</u>	<u>1999</u>
Criminal	18.9	18.2	19.4
Habeas (§§2254/2255)	18.3	22.5	23.4
Civil Rights (non-prisoner)	16.2	16.8	13.8
Civil Rights (prisoner)	14.2	12.3	11.4
Federal Question	12.6	14.3	15.6
Diversity	9.7	7.9	8.5
Agency	2.7	2.1	1.5
Social Security	1.9	1.7	2.1
Bankruptcy	1.9	1.7	1.6
NLRB	2.1	1.0	1.4
Tax Court	0.5	0.8	0.4
Mandamus/ Prohibition	1.2	0.8	1.1

Pro se and prisoner-related filings continue to account for nearly half of all filings; in 1999 some 2080 such cases were filed, accounting for 45.5% of all new cases. This proportion has remained virtually steady for the last four years, although there is reason to hope that the changes brought about in the Prison Litigation Reform Act of 1996 are starting to manifest themselves in a reduction in frivolous prisoner filings.

The court's workload, even with the drop in new filings, remains heavy. Nonetheless, the court remains committed to its long-standing view that oral argument is an integral part of the appellate process, and that the opportunity for oral argument should be afforded in every appeal in which counsel wishes it. In order to give effect to this view the court continues to supplement its regular oral argument calendar with arguments conducted by teleconference. With the court operating well below its full statutory complement of sixteen active judges, it is only with the high level of participation by its own senior circuit judges and by visiting senior circuit and district judges that the court can maintain the desired level of oral argument. During 1999 oral argument was offered in nearly 1600 individual cases, broken down as follows:

Oral Argument Opportunities

	Total Cases	% of Total
Criminal	515	32.3
Federal		
Question	321	20.2
Diversity	265	16.6
Civil Rights		
(non-prisoner)	241	15.2
§§2254/2255	83	5.2
Agency	36	2.4
NLRB	35	2.3
Social Security	34	2.2
Civil Rights		
(prisoner)	21	1.3
Bankruptcy	20	1.3
Tax Court	14	0.9

Death Penalty Cases. As of December 31, 1999 the court had pending on its docket 25 appeals from habeas corpus actions brought by prisoners under a state-imposed sentence of death; sixteen of these appeals are from Ohio, five from Tennessee, and four from Kentucky. A total of fifteen new death penalty appeals were filed with the court during the year, four more than in 1998. Ominously, though, the number of capital habeas cases pending in the district courts in those three states is large and growing. By the beginning of this year there were nearly 100 such cases pending around the circuit, and it is anticipated that there will be at least twenty appeals filed this year. The clerk's office takes a proactive role where an appeal by or on behalf of a death-sentenced prisoner is anticipated, working closely with counsel for the prisoner, the state attorney general's office, the district court, and the clerk of the state supreme court to ensure these cases will receive the full measure of expedition and attention they require.

Bankruptcy Appellate Panel. The clerk's office continues to provide technical, administrative, and logistical support to the Bankruptcy Appellate Panel, as it has since that tribunal began operation in January, 1997. In the ensuing three years the BAP has established itself in the initial two districts which authorized appeals to it, the Northern and Southern Districts of Ohio. Those two districts have now been joined by the Western District of Tennessee, which authorized appeals to the BAP as of February 1, 2000. Nearly 300 appeals from orders and judgments of the

bankruptcy courts in the two Ohio districts were brought to the BAP during its first three years, representing well over two thirds of the total appeals from bankruptcy court decisions in those districts.

The current members of the BAP, each of whom assumes a BAP caseload on top of his or her own bankruptcy court docket, are: Hon. Steven W. Rhodes, Chief Judge (E.D. Mich.); Hon. William H. Brown (W.D. Tennessee); Hon. J. Vincent Aug, Jr. (S.D. Ohio); Hon. Patricia Morgenstern-Clarren (N.D. Ohio), and Hon. David T. Stosberg (W.D. Kentucky). Circuit Clerk Leonard Green also serves as Clerk of the BAP.

The clerk's office remains committed to providing to the court and those who come before it the highest level of service, and to working closely with counsel, litigants, and court personnel to ensure that appeals brought to the court proceed expeditiously through the appellate process. The office welcomes suggestions from the bar on ways in which it might enhance the services it offers, as well as for changes to the court's Rules and Internal Operating Procedures.



OFFICE OF THE STAFF ATTORNEYS

Kenneth A. Howe, Jr.
Senior Staff Attorney

Michael Cassidy
Joseph C. Merling
Supervisory Staff Attorneys

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

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

The office provides various support services to the court. The primary service is to review all *pro se* and prisoner-related appeals and to prepare legal research memoranda for those cases which do not appear to require oral argument. The criteria used in this review process are set



Kenneth A. Howe, Jr.
Senior Staff Attorney

forth in Sixth Circuit Rule 34(j) and Fed. R. App. P. 34. If a case falls within one of the enumerated criteria, it is assigned to a staff attorney for review and legal research on the facts and relevant legal issues for consideration by the court pursuant to Sixth Circuit Rule 34(j). This review process has been extended to counsel-represented appeals where counsel have waived oral argument.

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

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

appellate jurisdiction or where a substantive motion is filed.

During the calendar year, the office prepared 1004 legal memoranda on the merits of cases pursuant to Sixth Circuit Rule 34(j), and 106 memoranda on appeals lacking proper appellate jurisdiction. The office also presented to the court 643 applications for certificates of appealability, 147 motions seeking permission to file a successive petition, and 180 miscellaneous motions.



CIRCUIT LIBRARY SYSTEM

Kathy Joyce Welker
Circuit Librarian

Pamela Schaffner
Deputy Circuit Librarian

Many who think of our court's library system think immediately of ten separate physical facilities where books are housed and where library staff work to analyze, select, organize, protect, preserve and reference these printed materials. Some will think of the public-access computers (also housed within these ten physical facilities) that are designed to facilitate efforts by court researchers to locate needed information. A few more may think of the hundreds of book collections housed in chambers and offices throughout courts of the circuit and understand that library staff do the work

necessary to assure that updates to these materials arrive in these chambers and offices in a timely manner. They may also realize that library staff, in cooperation with automation personnel throughout the circuit, do the behind the scenes work to assure that online legal research tools are readily available on the computer that sits on every law clerk's and every Judge's desk. All of this is true – but there is more. Library staff continuously study the information and research needs of the court and persistently work toward implementing the delivery of needed information to court researchers even before these researchers have realized that they will need it. In this age of information “overload,” it is staff with “librarian” skills who organize, assess, choose and create information sources that are reliable and accurate -- yet reasonably priced. This is not a simple task, but it is one that the court's librarians have undertaken on behalf of the court.

Librarians' efforts to organize, assess, choose and create information sources can best be demonstrated by listing some library accomplishments and challenges during the past year. These include the new availability of at least two public computer terminals in every staffed library location, the inauguration of the online library catalog (called WebCat) on all library computers, the implementation of the serials module on the Integrated Library System (ILS), the web-based library publication program, and the web-based Internet evaluation, selection and linking program. Finally, during 1999, the financial resources available to

librarians for the purpose of supporting the court's research needs have been shrinking resulting in some significant “belt tightening” in the area of collection development.

Because the printed books have become only a part in the arsenal needed when one does research work in today's information age, almost all researchers also depend upon electronic forms of media to access needed information. Since these electronic forms must be accessed via computers, all of our libraries are now equipped with public terminals. These computers are set up to automatically access LEXIS, WESTLAW, court opinions, the Internet and our online library catalog. This newly available library catalog is one of the byproducts of the Integrated Library System (ILS) implementation that started in our libraries in 1997. Another ILS product introduced in 1999 to our public terminals is the ready availability of serials records as part of our online catalog record. That is, not only can we determine online what titles are held in our libraries, but we can also now determine the latest update to that title that has been received in any of our library locations. In addition, these public terminals have become a major means for performing research on the Internet.

The fastest growing area for research is Internet research. Court staff and researchers are beginning to find that Internet research is the only way to locate some essential information. For example, the move by the Government Printing Office toward providing access to “public” information only on the Internet while

abandoning printed and micrographic sources is progressing at a highly accelerated pace. However, the Internet is a large and unwieldy collection of data that may or may not be reliable or current.

In order to help the courts wisely and appropriately use this vast Internet resource for needed information, librarians are working hard to assess and organize Internet sources. Through our library system's web pages posted on the court's Intranet site, the librarians are organizing Internet links based on court research patterns. They are also posting here Internet site evaluations that take into consideration the particular research needs of court personnel. And, finally, librarians are sharing through the library system's web-based publication series their knowledge gained from assisting court researchers for many years. This knowledge management initiative is intended to help us help each other to get our hands around some of the exploding information sources springing up every day electronically and in print.

The pressure of an information explosion in multiple forms of media has put extraordinary pressure on the judiciary's financial resources. The same bit of information may be available electronically and in print. Value-added information (such as published books, LEXIS and WESTLAW) is not inexpensive – and is often duplicative in nature. Hard choices are in our future as we decide what sources of information we can afford to provide to the judiciary. At the end of 1999, librarians had begun



Kathy Joyce Welker
Circuit Librarian

making these hard choices. Many more such hard choices are in our future and will be made in the year 2000 as we continue to balance cost and value to the judiciary.



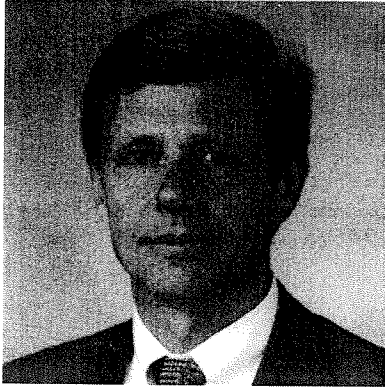
***OFFICE OF THE CIRCUIT
MEDIATORS***

ANNUAL REPORT

As indicated on the chart that follows, the Mediation Office completed work in 855 Sixth Circuit civil appeals and 34 BAP cases in calendar year 1999. The Sixth Circuit appeals are mostly randomly selected and represent an approximate cross section of the Court's civil docket minus the prisoner, pro se and agency cases. Nearly all fully counseled BAP cases in which no motions were filed were mediated.

Twelve cases were referred for mediation by Sixth Circuit hearing panels, either just before or just after oral argument. Seven of those were settled.

Total Cases Mediated	889
No. Settled*	384
Settlement Rate	43%
BAP Cases Mediated	34
No. Settled	19
Settlement Rate	56%
Cases Referred by	
Hearing Panel	12
No Settled	7
Settlement Rate	58%



Robert W. Rack, Jr.
Chief Mediation Attorney

The Court recently hired a new mediator, Mariann Yevin, who worked previously in the Office of General Counsel at the University of Cincinnati. She joins the Court's other four mediators whose mediation experience at the Court ranges from 7 to 18 years and whose ages range from over 40 to over 70. Mariann's hiring fills out the Office's full professional staffing complement of five lawyers in four full-time positions.

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

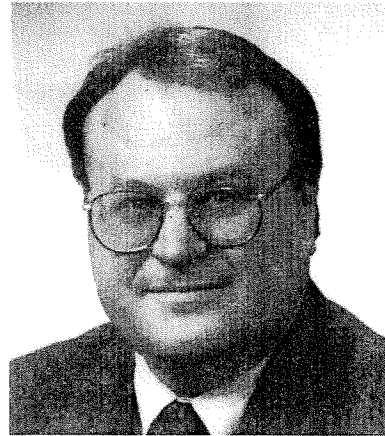
AUTOMATION SUPPORT UNIT

William M. Eggemeier
Assistant Circuit Executive for Automation

Michael Nagel *Michael Davison*
Systems Manager *Data Network*
 Administrator

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

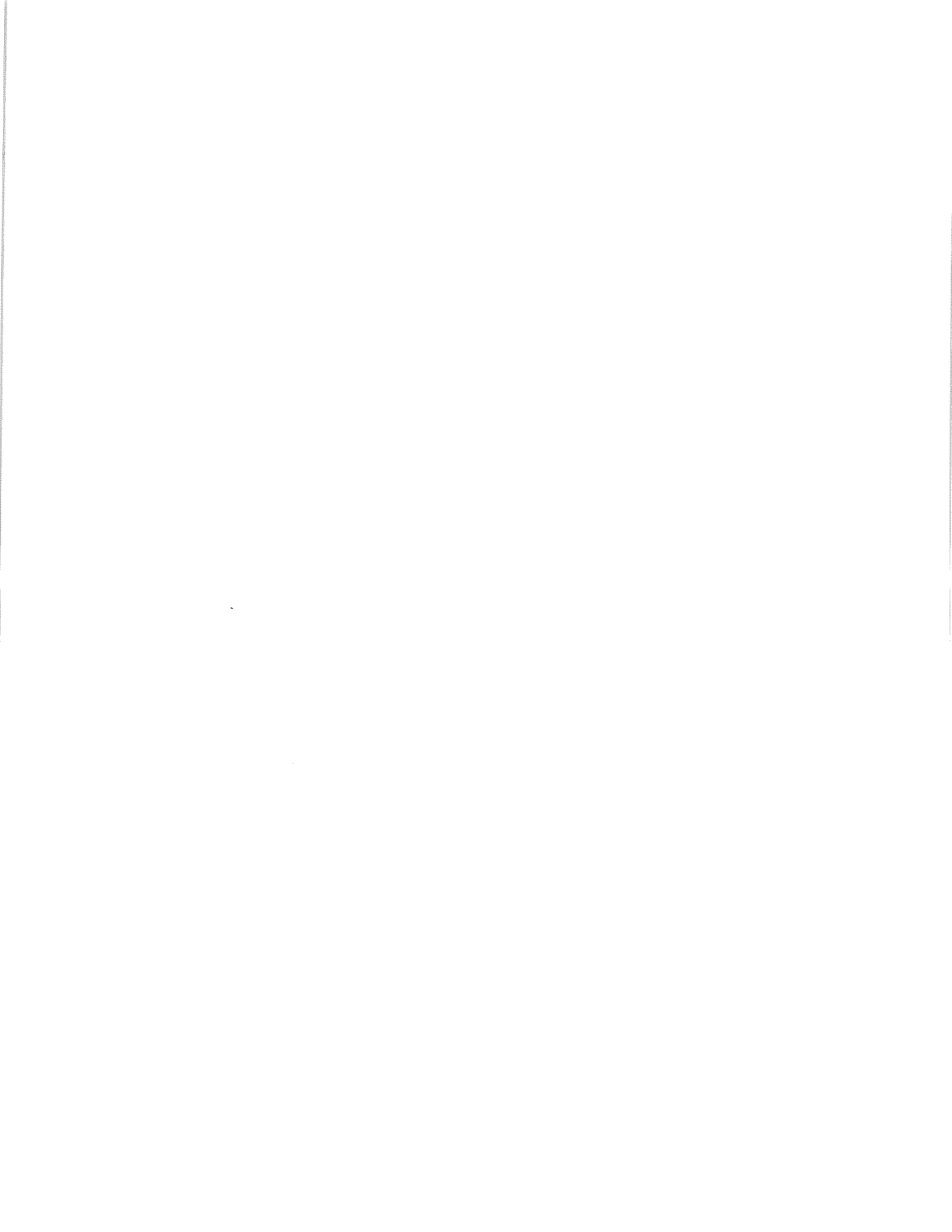
Internet Access to Appellate Court Information: For anyone with access to the Internet the Automation Support Unit maintains a web site which includes access to the U.S. Court of Appeals for the Sixth Circuit's docket information, published opinions, oral argument calendar, local rules and operating procedures, and a variety of status reports on appellate cases. Also, the site contains a variety of appellate forms (e.g., the Notice of Appeal, Attorney Admission, Transcript Purchase Order and forms associated with CJA appointments). In addition, the site provides information relating to the Sixth



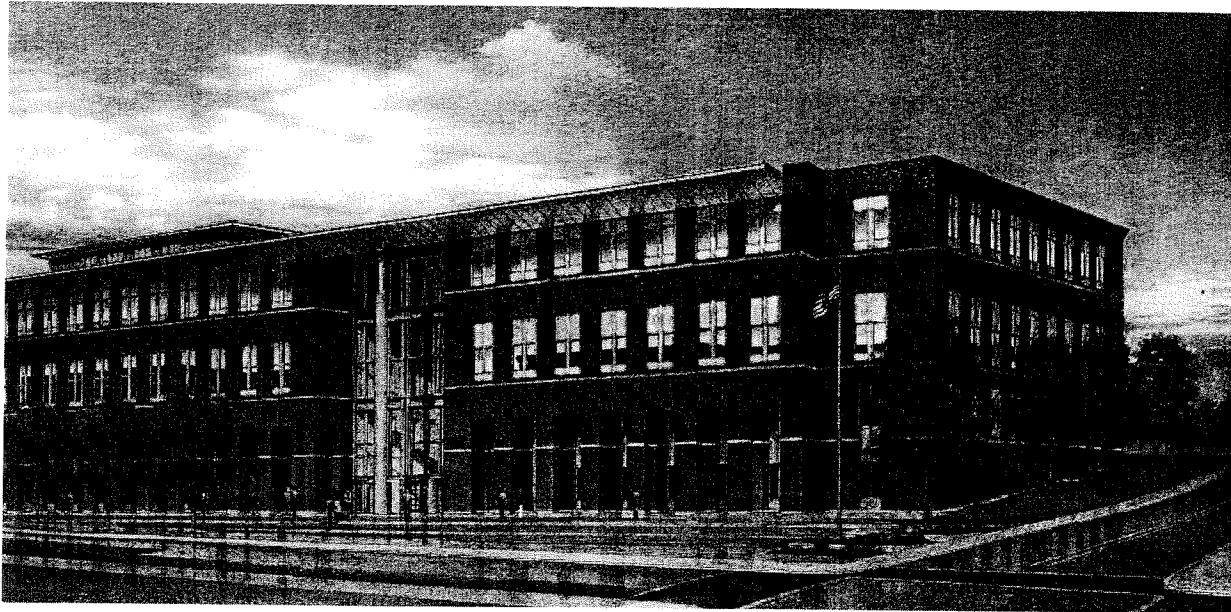
William M. Eggemeier
Assistant Circuit Executive for
Automation

Circuit Judicial Council and Circuit Executive Office (e.g., pattern criminal jury instructions, bankruptcy judge selection procedures, and information about the circuit judicial conference). The Internet address for the Sixth Circuit's web site is www.ca6.uscourts.gov. With the exception of the court's docket information, there is no fee charged for viewing this information.

The docket information however, is available as part of PACER. **Public Access to Court Electronic Records** is an electronic public access service of the federal judiciary that allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy courts, and from the U.S. Party/Case Index. There is a per page charge for PACER information and you must have an account with the PACER Service Center before PACER information is available to you. To find out how to get a PACER account, visit the PACER Service Center on the Internet at: www.pacer.psc.uscourts.gov.



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



*Rendering of the new United States Courthouse
in Greeneville, Tennessee*

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

ANNUAL REPORT

Court Personnel. The District has five active District Judges (fifth judgeship is shared with the Western District of Kentucky) plus one Senior Judge. Four of our five jury divisions of the Court have a full time Magistrate Judge. There are two full time Pro Se Law Clerks, 41 employees in the Clerk's Office and 43 employees in the Probation Division.

Space and Facilities. In July, 1999, the District completed a new courthouse at Covington containing 114,055 square feet including a ceremonial courtroom with state of the art electronics.

The new London Courthouse has completed the final design stage with construction projected to begin Spring, 2000. The courthouse will contain 89,340 square feet and house two district judges with courtrooms, and a magistrate judge's chambers with courtroom. Court of Appeals Judge Eugene Siler will have chambers in the new structure. The old historic courthouse will be preserved and occupied by the U.S. Bankruptcy Court.

Investment of Registry Funds. Since 1992, we remain the only District Court in the Sixth Circuit to participate in the Court Registry Investment System (CRIS). The Court finds the system to be more effective

and time saving than the local investment of registry funds.

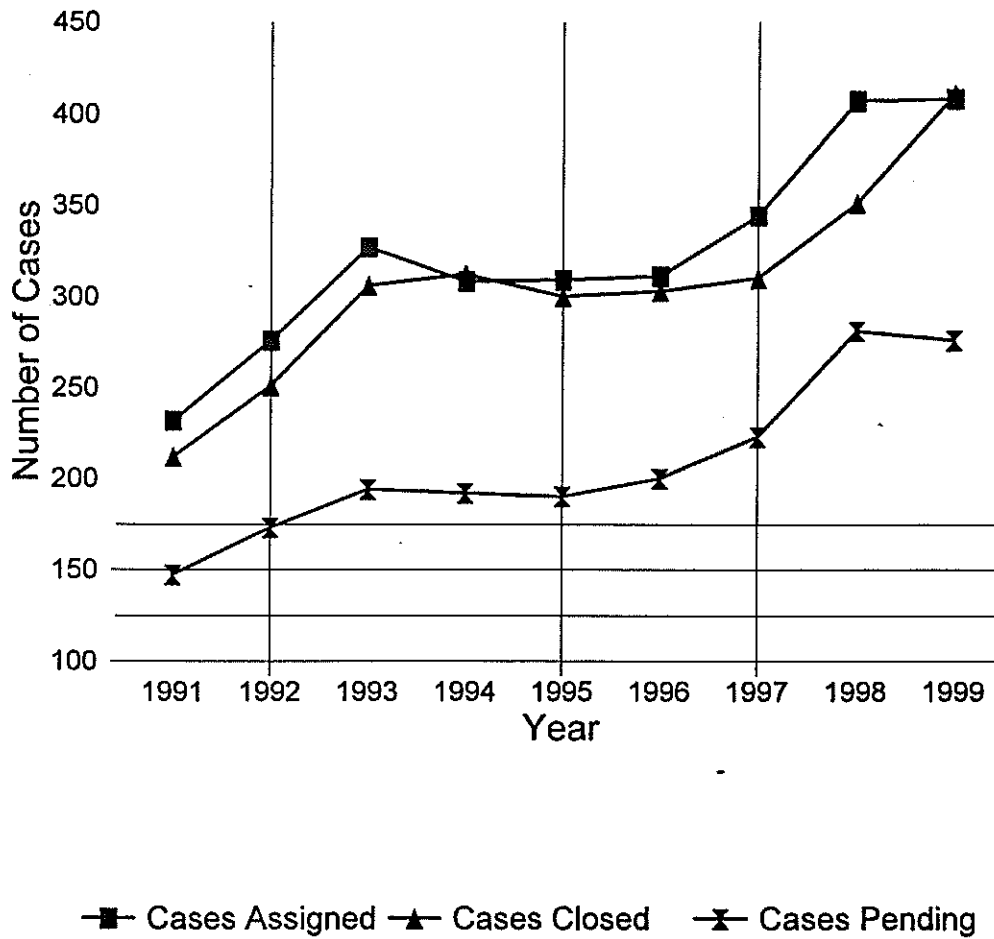
Case Filings. The Eastern District has experienced from 1996 through 1999, a substantial increase in criminal case filings as well as a 172 case decrease in the number of social security cases from an all time high in 1998 of 892 cases. Senior Judge Wix Unthank has assumed the assignment of nearly all social security cases in the Eastern District. Appended are Exhibits "A" and "B" showing graphically caseload statistics from 1991 - 1999.

Joint Local Rules. The operation of the Joint Local Rules for the Eastern and Western Districts of Kentucky continues to be highly successful. The rules were completely rewritten in 1997 and incorporated the numbering system of the Federal Rules of Civil and Criminal Procedure.

Respectfully submitted,
Henry R. Wilhoit, Jr.
Chief U.S. District Judge

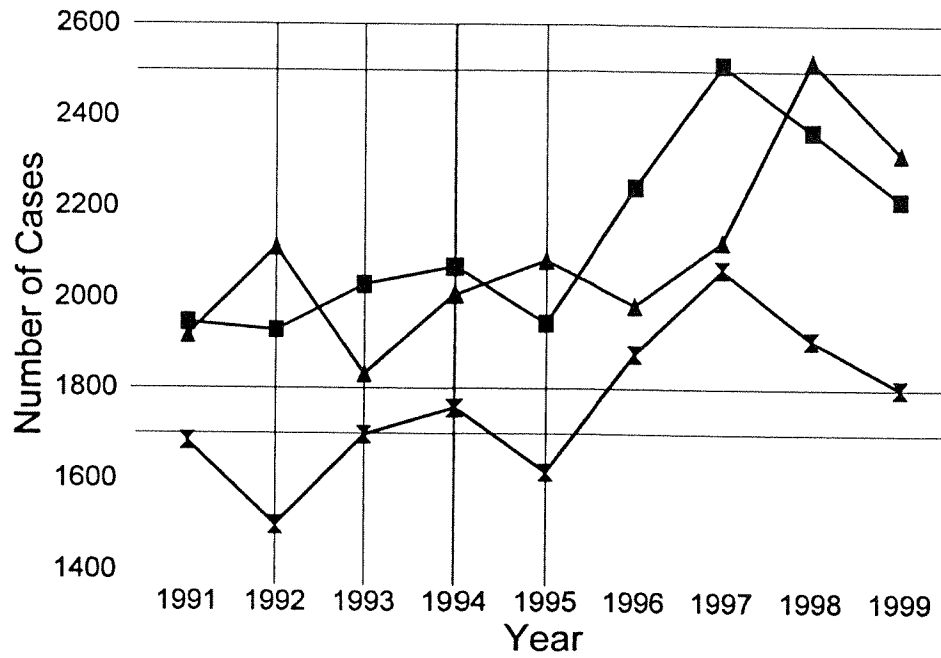
United States District Court
Eastern District of Kentucky

Criminal Cases Statistics



United States District Court
Eastern District of Kentucky

Civil Case Statistics



■ Cases Assigned ▲ Cases Closed ✕ Cases Pending

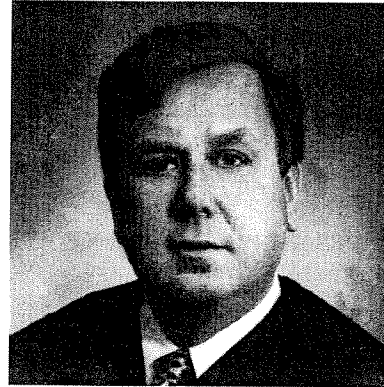
**UNITED STATES DISTRICT
COURT
WESTERN DISTRICT OF
KENTUCKY**

ANNUAL REPORT

During the past year, the Western District of Kentucky continued to provide a high level of service to litigants, lawyers, and the public. Growth was experienced in both civil and criminal filings. Despite this, and thanks to a hard-working and dedicated support staff, our dockets are current.

I. Personnel. Senior United States District Judge Charles M. Allen passed away on January 4, 2000, after a brief illness. His death was a profound loss to the court, and to the entire community. Appointed by President Nixon in 1971, Judge Allen continued to carry a docket until his illness intervened. Judge Allen was a legend among the local bar, and greatly beloved. He brought great wisdom and dignity to our bench, and will be sorely missed. He is survived by his wife of 50 years, Betty Anne Allen, and two grown children. Judge Allen's memorial resolution is contained elsewhere in the Conference Report.

II. Workload. Both civil and criminal filings increased during the past year, although at an overall rate more modest than in previous years. The largest increase in filings, both civil and criminal, was experienced in the Bowling Green Division, where criminal filings increased



**Hon. Charles R. Simpson III
Chief Judge**

41% and civil filings were up over 13%. The court's pending motion dockets are current, and dispositions have exceeded filings again this year. Cases older than three years are at an all-time low.

III. Automation. Our district continues to experiment in developing Internet applications. We have recently begun posting dispositive orders on the Internet by linking the order with the docket sheet. In November, 1999, we held four seminars throughout the district on Internet services and applications training. The seminars were attended by approximately 300 lawyers, secretaries, and paralegals. As a result, usage of Internet services increased over 500%. The court's web page continues to draw attention and many compliments. It is continuously updated and improved. We have also implemented a new financial accounting system and a new jury management program. Our clerk's office has provided staff to support training and installation of these programs in other districts, due primarily to our expertise. Satellite dishes for the Federal Judicial Television Network have been

installed in our divisional offices with resident judges. The network provides regular judicial and staff training and information.

In Louisville, a new telephone system was installed. A new sound system is being installed in the Louisville courthouse that will also give us the necessary infrastructure to install evidence presentation technology.

IV. Bricks and Mortar. In Paducah, a new chambers for Magistrate Judge King is close to completion. In the design phase are renovations for the two large courtrooms in the Louisville courthouse which will include refurbishment as well as installation of improved courtroom lighting. The court has approved a long range space and facility plan. The plan calls for the construction of a special proceedings courtroom in the Louisville courthouse on the first floor. It also calls for the construction of a new courthouse in Bowling Green. The present courthouse there is historic, but well-worn from use. We believe refurbishment is necessary, but that a new facility will be needed in the long run due to the space and configuration constraints inherent in the structure. It should be stressed that these are long-range goals, and not projects which are likely to be completed in the very near future.

V. International Relations. The Western District of Kentucky, in cooperation with the American Bar Association's Central and East European Law Initiative program, has hosted several international judicial

delegations, from countries who are seeking to restructure their courts. We have found that these exchanges are as beneficial for the judges of our court as they are for the visiting judges, since they result in an exchange of ideas and philosophies as well as information.

In 1998, our court hosted a delegation of judges from Croatia which included Judge Vladimir Gredelj, who is President of the Croatian Judges Association. Through that visit, we established a valuable working relationship with the judges of Croatia, who are trying to move their justice system toward a western model. In October, 1999, we again hosted a delegation from Croatia; and in January, 2000, our Clerk of Court, Jeffrey Apperson, visited Croatia and spoke at a number of seminars held throughout that country. Our court has now been invited to establish a sister court relationship, and we anticipate more interaction as the Croatian judiciary continues to evolve.

In November, 1999, our court hosted a delegation of judges and court personnel from Azerbaijan. The delegation was led by Justice Eldar Mammadov, a member of the Constitutional Court of Azerbaijan, which is equivalent to the United States Supreme Court. Members of that delegation have been entrusted with the responsibility of drafting that portion of a new Azerbaijan constitution which would encompass the judiciary. We had a valuable exchange of ideas as well as information and experience with court and case handling technology.

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

ANNUAL REPORT

VI. Judicial Conference Committees. Judge Heyburn serves as Chair of the Budget Committee, which has the important responsibility of presenting and defending the judiciary's budget before committees of the United States Senate and the House of Representatives. Chief Judge Simpson is a member of the Committee on the Administration of the Bankruptcy System, which has responsibility for addressing bankruptcy issues and administering the bankruptcy courts across the country. Judge Coffman is a member of the Committee on Judicial Resources, which is concerned with human resource administration in the Judicial Branch.

VII. Senior Service. Our district continues to enjoy the valuable and selfless service of Senior Judge Edward H. Johnstone. His wisdom and advice are a constant benefit to the court.

Charles R. Simpson III
Chief Judge
Western District of Kentucky



Court Ceremonies. On January 12, 1999, at an extraordinary session of the Court at the Theodore Levin United States Courthouse in Detroit, a ceremony commemorating the "Passing of the Gavel" from Chief Judge Anna Diggs Taylor to Chief Judge Lawrence P. Zatkoff was held.

On June 7, 1999, the Court held a memorial ceremony in honor of Judge Robert E. DeMascio, who died on March 23, 1999. Colleagues, former colleagues and law clerks, and friends paid tribute to the memory of Judge DeMascio.

On June 30, 1999, the Court convened in extraordinary session to honor Court Administrator John P. Mayer upon his retirement. Mr. Mayer, who was appointed Clerk on April 16, 1979, served the Court for more than 20 years. A Resolution of Appreciation (copy attached) signed by all of the district judges of the Court was presented to Mr. Mayer.

Judicial Officers. District Judge Robert E. DeMascio lost his battle with cancer on March 23, 1999. The Judicial Conference of the Sixth Circuit paid tribute and appreciation to his memory by approving a Memorial Resolution at its meeting in June 1999.

District Judge Robert H. Cleland transferred from Bay City to Detroit effective July 6, 1999.

District Judge Victoria A. Roberts was temporarily assigned to handle the Bay City docket effective July 6, 1999.

District Judge Avern Cohn took senior status effective October 9, 1999.

As of December 31, 1999, this Court had two vacant district judgeships created by Judges Cohn and Taylor taking senior status.

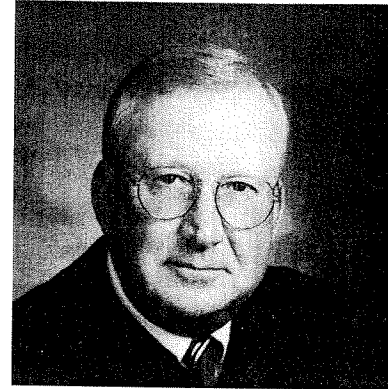
Bankruptcy Judge Arthur J. Spector was appointed Chief Bankruptcy Judge for a two-year term beginning April 14, 1999, and ending April 13, 2001.

The United States Court of Appeals for the Sixth Circuit reappointed Bankruptcy Judge Steven W. Rhodes to an additional 14-year term beginning March 22, 1999.

Magistrate Judge Wallace Capel, Jr. was appointed United States Magistrate Judge effective May 10, 1999. His current term will expire on May 9, 2007. Magistrate Judge Capel's duty station is Flint.

Magistrate Judge Paul J. Komives continues to serve the Court in a recalled status through July 16, 2001.

Executive Magistrate Judge Marc L. Goldman was reappointed to a third eight-year term beginning November 14, 1999, and ending November 13, 2007. Effective May 10, 1999, Magistrate Judge Goldman was reassigned from Flint to Detroit.



Hon. Lawrence P. Zatkoff
Chief Judge

Magistrate Judge Steven D. Pepe was reappointed to a third eight-year term beginning December 2, 1999, and ending December 1, 2007.

Court Administration. On July 2, 1999, Court Administrator John P. Mayer retired after serving the Court for more than 20 years. David J. Weaver was appointed Court Administrator effective July 3, 1999. Mary Miers was appointed Deputy Court Administrator effective October 11, 1999.

Establishment of Attorney Renewal Fee. At its meetings in September and October 1999, the Court voted to approve charging an attorney renewal fee of \$100.00 as a condition of reinstatement to the bar of this Court as follows:

1. An attorney who is suspended for nonpayment of dues to the State Bar of Michigan or any other bar association on which the attorney's admission to practice in this court may be based will be automatically suspended in this court without any action by the court other than written notice to the attorney.

Upon receipt of notice that the attorney has been reinstated for payment of dues and penalties, and upon payment of the court's attorney renewal fee, the attorney will be automatically reinstated in this court. This requirement supplements current LR 83.22(e)(4).

2. In cases in which an attorney has been suspended or disbarred by this court based on an action by another jurisdiction, the attorney may apply for reinstatement by filing in this court an affidavit that the jurisdiction that entered the order of discipline on which this court based its discipline has reinstated the attorney. The affidavit must be accompanied by payment of the court's attorney renewal fee. This requirement supplements current LR 83.22(g)(1).
3. In cases in which an attorney has been suspended or disbarred by direct action of this court, the attorney may apply for reinstatement by filing an application for reinstatement. The application must be accompanied by payment of the court's attorney renewal fee. This requirement supplements current LR 83.22(g)(1).
4. Payment of the attorney renewal fee does not preclude other conditions of reinstatement the court may impose under LR 83.22(g)(5).

Holiday Court Closings. At its meeting in November 1999, the Court approved an annual policy of closing the Court on the Friday after Thanksgiving Day, providing that ample notice (including an emergency contact telephone number) is given to the public and legal community. The office of the Court Administrator is responsible for providing such notice.

Ralph M. Freeman Foundation. Judge Ralph M. Freeman served as a U.S. District Judge for the Eastern District of Michigan for over 35 years. Appointed by President Dwight Eisenhower on June 10, 1954, he was Chief Judge from 1967 to 1972. He took senior status on July 1, 1973, and continued to work full time until his death on March 29, 1990.

Judge Freeman left a bequest for the purpose of benefitting the United States District Court for the Eastern District of Michigan as an institution. For this reason, **the Ralph M. Freeman Foundation was established on August 4, 1999.** The Trustees of the Foundation are Chief Judge Lawrence P. Zatkoff, Judge Avern Cohn, Judge Bernard A. Friedman, Judge Nancy G. Edmunds and Judge Paul D. Borman.

The Trustees of the Freeman Foundation have established the Ralph M. Freeman Law School Scholarship. A law student at each of Michigan's five law schools will be the recipient of the \$1,500 scholarship which will be awarded annually.

The Trustees have also approved four \$1,500 scholarships to be awarded to students of full-time court employees of

the Eastern District of Michigan on an annual basis.

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

Facilities. The Court's computer facility in the Theodore Levin United States Courthouse in Detroit was renovated and expanded. Enhanced networking systems and new computer servers are now housed in one location with improved air handling systems.

In Ann Arbor, the Probation Department was relocated to more functional and private space significantly improving upon working conditions during probationer interviews.

Pretrial Services Agency. Cocaine and marijuana use continues to remain at high levels, with marijuana dominating. Marijuana persists as the most widely-used prohibited drug in the United States. Heroin is also becoming widespread again.

Although the Agency's short term supervision will not be proficient at rehabilitating defendants with serious addictions, we continue to increase our skills at symptom recognition, detection of drug use, treatment referrals, dissuading crime on bail, and reassuring court appearances.

The Agency continues to develop strategies to detect, ensure the identification of, process, and effectively supervise defendants with mental health problems. The most effectual approach so far has been to ascertain their continued

participation in treatment with special attention given to their compliance with psychotropic medication requirements. Of the 81 persons with mental health conditions supervised by the Agency in 1999, nine had their bond revoked and were subsequently detained. All nine were charged with a crime while on bail and had discontinued their medication at the time of the alleged criminal offense.

Videoconferencing. Videoconferencing systems to conduct prisoner civil pretrial hearings have been installed in Detroit and Bay City.

Internet and Intranet Access. In 1999, the Eastern District of Michigan began providing access to certain Court opinions via the Internet. The Court's web site is currently being fully developed to include local rules, jury information and specific pretrial practice information for all district judges. There will also be a page dedicated to the DOW Breast Implant Litigation. Current plans include making court orders and other useful information available as well. The Court hopes to have the fully developed site implemented by summer 2000.

The Intranet site for the Eastern District of Michigan has also been redesigned. Future plans are to have all locally-produced monthly statistical reports published exclusively on the Intranet reports page. Paper copies of the reports will only be provided when specifically requested.

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

RESOLUTION OF APPRECIATION

WHEREAS John P. Mayer was appointed Clerk of the United States District Court for the Eastern District of Michigan on April 16, 1979, after serving as Deputy Administrative Director for the Supreme Court of Ohio, Court Administrator of the Oakland County Circuit, Deputy Court Administrator (District Courts) and Associate Court Administrator in the State Court Administrative Office in Lansing; and

WHEREAS he was reassigned as the District Court Executive on July 1, 1981, a position created as a Pilot Program by Chief Justice Warren E. Burger, and

WHEREAS he was appointed District Court Administrator/Clerk of Court on August 10, 1990, under the Court Administration Reorganization Plan; and

WHEREAS he has informed the Court of his intention to retire on July 2, 1999, after more than twenty years' distinguished service; and

WHEREAS he has faithfully served the following chief judges during his career with the United States Courts: Cornelia G. Kennedy, John Feikens, Philip Pratt, James P. Churchill, Julian Abele Cook, Jr., Anna Diggs Taylor, and Lawrence P. Zatkoff; and

WHEREAS he has remained active in the legal community as a member of the Eastern District of Michigan Chapter of the Federal Bar Association, serving as its President in 1985 - 1986, and as a member of the State Bar of Michigan Committee on the United States Courts; and

WHEREAS he has prepared the Court for the challenges of the Twenty-First Century through the development of automated hardware and software technology; and

WHEREAS he has overseen the greatest renovation and improvement of federal court facilities in Ann Arbor, Bay City, Detroit, Flint, Port Huron and Southfield since the Theodore Levin United States Courthouse was completed in 1934, and

WHEREAS he has led the Court through the implementation of decentralized budgeting and assisted the Administrative Office with training of other Courts, and

NOW THEREFORE BE IT RESOLVED that the Judges of this Court express to Court Administrator John P. Mayer their profound appreciation for his long and faithful service to the United States of America and to this Court, and wish him good health and long life so that he may enjoy the well-deserved satisfaction and fulfillment of his retirement.

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

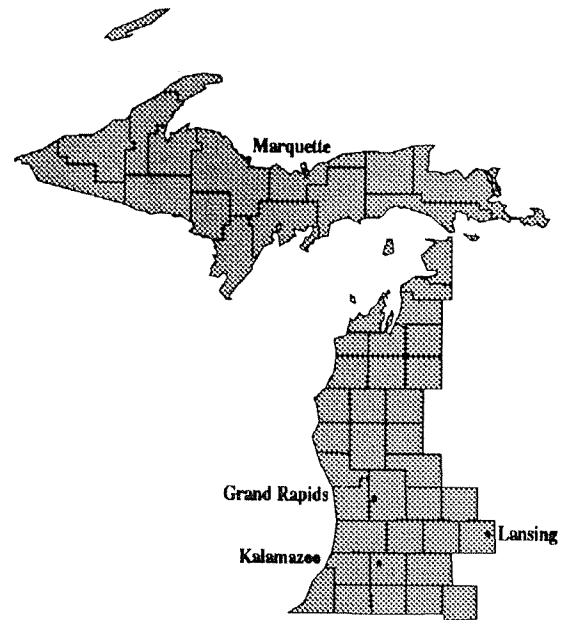
ANNUAL REPORT

A Message from the Clerk

There were a number of exciting projects, changes and improvements in 1999 of which we are very proud. The most notable being the relocation of the Clerk's Office headquarters in Grand Rapids to new office space in the Gerald R. Ford Federal Building. Significant developments include the installation of the Jury Modernization System, expansion and enhancement of the court's Internet and Intranet web sites, initial design drafts of electronic evidence presentation systems, along with numerous construction plans and improvements throughout the district, to name a few. Additionally, one of the court's senior judges, Benjamin F. Gibson, retired after nearly 20 years of service.

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

Western District of Michigan



The United States District Court for the Western District of Michigan is one of two district courts in the State of Michigan. The district is spread over 37,000 square miles, encompassing the western half of the lower peninsula and the entire upper peninsula of the state. The district includes 49 counties divided into two divisions. The Northern Division consists of fifteen counties. The Southern Division consists of 34 counties. The court's headquarters is in Grand Rapids. There are three divisional offices located in Kalamazoo, Lansing and Marquette.

Judicial Matters

Judicial Officers

Following the retirement of Judge Benjamin F. Gibson on January 31, 1999, the U.S. District Court for the Western District of Michigan had four Article III judges, two senior judges and four full-time magistrate judges located in four divisional offices throughout the district:

District Judges	Location	Appointment Date
Richard Alan Enslen, Chief	Kalamazoo	December 27, 1979
Robert Holmes Bell	Grand Rapids	August 7, 1987
David W. McKeague	Lansing	February 28, 1992
Gordon J. Quist	Grand Rapids	August 28, 1992
Wendell A. Miles, Senior	Grand Rapids	May 9, 1974
Douglas W. Hillman, Senior	Grand Rapids	September 28, 1979
Magistrate Judges	Location	Appointment Date
Hugh W. Brenneman	Grand Rapids	April 1, 1980
Doyle A. Rowland	Kalamazoo	September 9, 1985
Timothy P. Greeley	Marquette	January 11, 1988
Joseph G. Scoville	Grand Rapids	January 28, 1988

Judicial Assistance Provided

Four of the Western District's judges provided support to the Sixth Circuit Court of Appeals throughout the year.

including voluntary facilitative mediation (VFM), early neutral evaluation (ENE), Michigan (evaluative) mediation, court-annexed arbitration, summary jury trials, summary bench trials, mini-hearings and magistrate judge settlement conferences.

Alternative Dispute Resolution

The Judges of the Western District of Michigan encourage the use of alternative dispute resolution (ADR) and offer a broad selection of programs,

The Voluntary Facilitative Mediation program continues to be among the top ADR programs in the country, settling approximately 69% of all cases that participated in the process since its inception in 1996. In 1999, the settlement

rate was 75%. Responses to exit questionnaires submitted by attorneys indicate enormous savings to litigants as a result. The judges and facilitators met twice in 1999 to discuss the program and share insights gained in the course of conducting mediations.

Judge David W. McKeague and ADR Administrator Mary Jo Schumacher served on a number of ADR projects throughout the state and country. Judge McKeague served as a panel member on an ADR video seminar sponsored by the Federal Judicial Center and continues to serve on the FJC's ADR Advisory Committee. Ms. Schumacher attended the American Bar Association's First Annual Dispute Resolution Section Meeting, chaired by Ms. Pamela Chapman Enslin, one of the court's certified facilitative

mediators. Ms. Schumacher also served as faculty for the ADR Administrator's Conference sponsored by the FJC. Judge McKeague and Ms. Schumacher, along with several of the court's certified mediators, continue to serve on the Michigan Supreme Court Dispute Resolution Task Force.

Forty-eight percent of all eligible civil cases were referred to ADR in 1999,¹ representing a slight decline in overall referrals from last year. The table below provides a quick comparison of the referrals, completions and rates of success for the various forms of ADR utilized by litigants in the Western District of Michigan.

**ADR Comparison Table
January 1, 1999 - December 31, 1999**

	Michigan Mediation LCiv.R16.5	Voluntary Facilitative Mediation	Early Neutral Evaluation	Arbitration	Summary Jury Trials	Summary Bench Trials	Mini- Hearings	Magistrate Judge Settlement Conferences	Total
Cases referred	71 (20%)	90 (26%)	16 (5%)	0	0	0	1 (<1%)	172 (49%)	350 (100%)
ADR completed	53	72	11	3	0	0	0	79	218
Settled	11 (21%)	54 (75%)	7 (64%)	0	0	0	0	26 (33%)	98 (45%)

Attorney Admissions

There were 566 attorneys admitted to the U.S. District Court for the Western District of Michigan in 1999. As of the end of the year, a total of 13,710 attorneys have been admitted to the Western District

of Michigan since the court was created in 1863.

Hillman Advocacy Program

The court continues to run the Hillman Advocacy Program in January

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

each year. The 20th annual Hillman Advocacy Program was held in 1999. This learn-by-doing workshop is a joint effort of the court and the Western Michigan Chapter of the Federal Bar Association. It is conducted in the courtrooms of the Ford Federal Building in Grand Rapids, and runs for 2 ½ days with a volunteer faculty of twenty outstanding trial lawyers from our district. Seventy young lawyers are provided with a unique opportunity to develop courtroom skills under the guidance of the experienced faculty. The judges of our court actively participate in the workshop and offer their critiques as the students conduct direct and cross examinations. Eleven new lawyers were admitted to practice in our court during an admissions ceremony held in conjunction with the workshop.

Criminal Practice Workshop

The first Federal Criminal Practice Workshop was held on March 13, 1999, an event initiated by Judge Robert Holmes Bell. It was co-sponsored by the District Court and the Western Michigan Chapter of the Federal Bar Association. The event was held at the Detroit College of Law at Michigan State University in East Lansing. The program was designed to emphasize continuing legal education on topics pertinent to criminal practice. It was a successful, highly interactive approach to promote collegial exchange. Approximately 91 lawyers participated in the day-long workshop, which included panel discussions, a working lunch, break-out sessions on hypothetical case exercises, along with educational materials.

Automation

Technology and information systems continue to be vital in the operation of the Court and the Clerk's Office. The entire district continues to rely heavily on automated systems and we were able to enhance and improve those systems again in 1999. Below are some highlights of those enhancements and improvements:

- The new Jury Modernization System was implemented.
- The Court's computer room was relocated within our Grand Rapids headquarters.
- A new Automation Training Room was completed, outfitted with new Pentium III based systems in a joint effort among the District Court, Bankruptcy Court and the Probation Office.
- The new Criminal Justice Act Attorney Payment System was implemented.
- The court implemented an expanded Internet site that gives the bar and public easier access to the information they need.
- The district's Intranet continued to grow as an important information tool.
- The aging and problematic phone systems in Lansing and Kalamazoo were replaced with Centrex service from Ameritech.

Finance

In calendar year 1999, the finance area processed 3,642 vouchers and 8,181 checks. While the total number of vouchers processed in any given year remains fairly constant, the number of checks being issued annually has increased 35% since 1996. This increase is attributed to the Clerk's Office becoming responsible in April 1997 for processing all payments related to criminal debt management; this includes special assessments, fines and restitution payments. Additionally, during 1999, the U.S. Attorney's Office implemented a monthly billing system which is expected to continue the increase in criminal debt collections for years to come.

Total disbursements, excluding the deposit and registry funds, totaled \$3,156,567. Additional responsibilities for the financial department include the investment of funds ordered to be paid to the court. During this twelve month period, the registry fund monthly balance averaged \$1,113,558.

CJA Voucher Processing/Payments

With the establishment of the Federal Public Defender's Office in 1995, payments related to reimbursement of attorneys and experts appointed under the Criminal Justice Act (CJA) had historically been decreasing. In 1999 however, payments increased significantly, which is attributable to the rising number of capital offense cases being prosecuted in the district. Excluding capital offense

cases, it is anticipated that payments to attorneys and experts related to the CJA will continue to decline in future years.

An effort is made each year to collect funds owed by a defendant when ordered by the court to reimburse the court for all costs of compensation and expenses incurred by their court-appointed counsel. Receivables are established and tracked on a monthly basis. Additionally, a statement of account is mailed monthly to each defendant. Collections for this appropriation showed a modest increase from last year.

Receivables Program

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

During 1999, the Clerk's Office issued 618 invoices representing a total receivables amount of \$20,277, an increase over last year. Because it is the

policy of the finance area to actively pursue the collection of all receivables and other statutory fees, we maintain a 99.5% collection rate.

Since the inception of the Prison Litigation Reform Act in 1996, receivable ledgers have been established for 790 civil cases and 172 cases on appeal, with a total receivable amount of \$133,200. During the same period, funds in the amount of \$41,070 or 31% of the total amount owed were received and posted to 588 established prisoner receivable accounts. In 1999, receivable ledgers were established in 184 civil cases and 17 cases on appeal. A total of 168 cases have been paid in full since 1996.

FAST (Financial Accounting System for Tomorrow)

The contract for FAST was awarded during the second quarter of calendar year 1997. In the fall of 1997, the court was advised that our district was selected as an Early Implementation Court for FAST with implementation commencing in April, 2000. The FAST project entails replacing the current accounting programs used to run the day-to-day operations of the court with a standardized, fully-integrated state-of-the-art accounting software program which will be used nationwide by all court units.

In order to ensure a successful implementation for the district, a project management team was created and composed of representatives from all court units. Some team members attended

Project Management training conducted by the Administrative Office in 1999. The team created a district-specific Project Plan and timetable, and conducted an exhaustive review of the current technology in our district.

In October 1999, a team from the Administrative Office visited our district to perform a preliminary review of our readiness to implement FAST. As a result of unforeseen changes to some of the documentation standards, it was necessary to make a number of revisions, although the implementation date is still on target for April, 2000.

Jury

In 1999, the district selected petit jurors in 26 criminal cases and 13 civil cases. Of the 39 juries selected, 35 resulted in verdicts. A total of 465 people were selected and sat as jurors.

The total number of jurors present for jury selection in 1999 was 1,599 compared to 1,466 in 1998. Of those jurors present, 29% were selected, 37% were challenged and 34% were unused. The percentage of unused jurors decreased from 37% in 1998 to 34% in 1999.

Eight grand juries met in 1999. Of those, four completed their term of service and were discharged. Over a period of 99 days, 2058 grand jurors met in session for a total of 472 hours, or an average of 4.79 hours per day. Indictments were returned in 183 cases while superceding indictments were returned in 38 cases.

The most significant occurrence in 1999 was the installation and implementation of the Jury Modernization System. This system allows the court to perform a number of jury related functions in-house at a considerable cost savings to the court, and includes enhanced computer related functions. Although the system requires additional staff effort, it has been a positive experience in this district.

Naturalization

The naturalization ceremonies take place monthly and sometimes semi-monthly at the Gerald R. Ford Museum in Grand Rapids, and periodically in the Northern Division in Marquette. During 1999, the court naturalized 1,987 citizens in Grand Rapids and 19 in Marquette. Together, they represented 98 different countries.

Operations

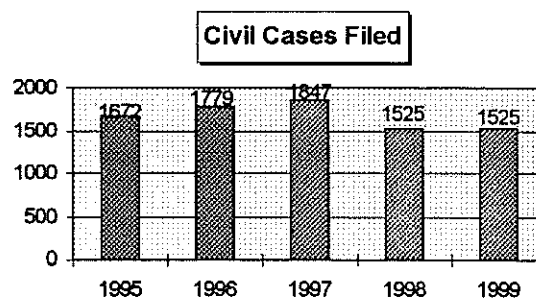
The relocation of the Clerk's Office Headquarters went very smoothly. In anticipation of the move to new office space, staff began inserting notices in all outgoing mailings. The insert was a great communication tool at virtually no cost to the court. Also, notices regarding the availability of the court's Internet site and items available to the public on that site were inserted in mailings and provided to customers at the public counters.

In June 1999, the Clerk's Office launched its first paperless form for internal use. Docket staff have access to the form through the court's Intranet. Numerous forms have since been added

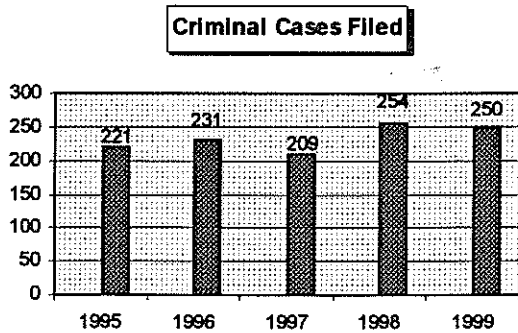
for use by all District Court employees. These forms were created using Omniform Internet Publisher software. Existing forms were scanned in and fields for entry of information were identified. Users are now able to access the forms through the court's Intranet, complete them and print them as needed. The forms also can be completed on screen and submitted to the proper individual with the click of a mouse button. This new method significantly decreases the turn around time of forms between divisions. We also improved the court's restricted filers list. The user is now able to click on any restricted filer name and can view or print the opinion or order that set out the restrictions.

In the fall of 1999, staff began a large project to rid our vaults of sealed documents and files that had accumulated over the years. In accordance with new Local Civil Rule 10.6, parties had 30 days to respond to notices sent in over 1,500 matters. It is anticipated this project will significantly increase storage space when complete.

During 1999, 1,525 civil cases were filed, which was exactly the same as in 1998. However, the number of prisoner civil rights filings continued to decline as a result of the Prison Litigation Reform Act of 1996.



There were 250 criminal cases filed in 1999, a slight decrease from last year (254). However, the number of criminal defendants that make up those cases were 389, an increase from last year (369).



At the end of calendar year 1999, the court's overall pending caseload stood at 1,267, consisting of 1,054 civil cases and 213 criminal cases, representing a slight overall decrease in total number of cases pending. Last year, the court's overall pending caseload stood at 1,296, consisting of 1,108 civil cases and 188 criminal cases.

Personnel

In 1999, we had a number of staffing changes to contend with. Until filled, vacancies resulted in staff taking on additional duties. In spite of heavier workloads, the Clerk's Office continued on with business as usual. To keep staff apprized of benefit changes and/or training opportunities, announcements continued to be made via the Clerk's newsletter, cc:Mail, flyers/posters, and satellite broadcasts.

Since satellite dishes were installed in three out of four court divisional

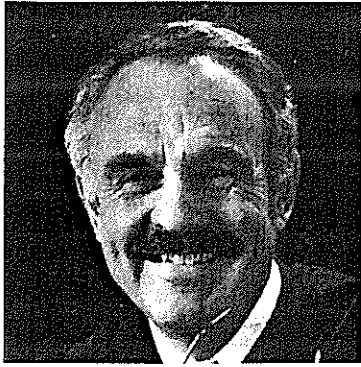
offices, our access to training for staff continued to increase. We anticipate all offices having satellite links by the year 2000. All FJC satellite broadcasts are taped and added to our library of training materials for staff to view at any time.

A newly revised Personnel Manual was distributed to all staff in June. Included in the new manual is the revised Employment Dispute Resolution (EDR) Plan that replaced a portion of the Equal Employment Opportunity Plan. The EDR Plan provides employees with additional protections as well as a quicker dispute resolution process, consisting of counseling, a hearing, and an appeal process.

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

Procurement

There were 310 purchase orders issued during 1999, compared with 373 issued during 1998 and 442 issued in 1997. During 1999, extensive efforts were undertaken in the purchase and procurement of all furnishings and supplies necessary for the new Clerk's Office space in Grand Rapids. Every effort continues to be made to cut costs while ensuring fine quality in the products and services we receive.



*Hon. Richard A. Enslin
Chief Judge*

Space and Facilities

Construction of the new Clerk's Office in the Gerald R. Ford Federal Building was completed and the relocation of staff and equipment took place without interruption of services to the public.

The planning stages of the district's electronic evidence presentation system continued to develop during the year through judicial and staff visits to other courts operating various technologies.

In response to the District and Bankruptcy Courts' budget call, the Administrative Office offered the services of one of their contract architectural-engineering consultants in Fiscal Year 2000 to conduct a district-wide Master Facilities Plan. The Plan will provide recommendations concerning the prioritization of space and facilities and tenant alteration projects currently pending with each court unit.

In 1999, we approved the final design intent drawings of a project to construct a dedicated jury assembly and grand jury suite consistent with the criteria of the United States Courts Design Guide

standards in the existing space in Grand Rapids. We anticipate funding this construction in Fiscal Year 2001.

A number of additional smaller construction projects and renovations were completed in Grand Rapids, Kalamazoo, Lansing and Marquette offices and chambers.

Special Events in 1999

Students From France Visit the U.S. District Court

Each year, our court provides tours and presentations for various school classes throughout the area. In February, 1999, the U.S. District Court for the Western District of Michigan was visited by a group of students from France, who received a presentation by the U.S. Marshal's Office and hands-on courtroom experience.

The Western District offers a unique educational experience to these students and in this particular instance, also promotes international understanding and friendship.

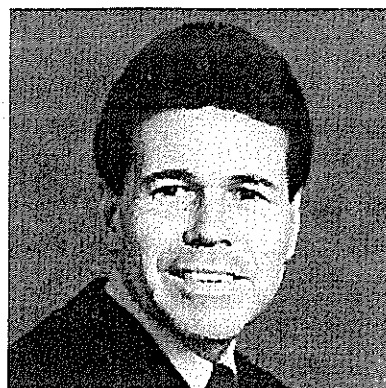
U.S. Delegation to South Africa

In March 1999, Clerk of Court Ronald Weston Sr., visited several cities in South Africa with a U.S. delegation in order to share and exchange information regarding the United States' judicial system and the South African judicial system. The delegation met with magistrates, high court judges, attorneys, judicial administrative staff and other representatives from the legal community including university law faculty and law students. The delegation also experienced

a weekend safari at the Zulu Nyala Game Preserve. We are very proud to have our Clerk chosen to represent us in South Africa.

Visit From Justice John Paul Stevens

On September 16, 1999, Supreme Court Justice John Paul Stevens visited Grand Rapids during the annual Michigan State Bar Association convention. We are grateful that Justice Stevens took time out of his schedule to spend time with our judges and Clerk at a breakfast meeting.



*Hon. Paul R. Matia
Chief Judge*



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

The United States District Court for the Northern District of Ohio holds court in Cleveland, Akron, Toledo and Youngstown and serves the 5.9 million citizens of the forty most northern counties in Ohio. With twelve authorized district judgeships, it is among the fifteen largest U.S. district courts.

During the past year, the district has appointed two new magistrate judges, seen the construction of the new Cleveland Court House rise from ground level to nearly its full height, conducted a district-wide workshop focusing on electronic filing that was attended by all judicial officers and staff and that resulted in a six-

fold expansion of the cases being electronically filed, achieved a record high in criminal case closings and reduced both its civil and criminal pending dockets to their lowest levels in the past decade. Less positive notes included a temporary drop in asbestos case filings that led to a significant reduction in the Clerk's Office authorized staffing allocation as well as the district court's operational budget allocation. In addition, Congress did not act on the presidential nomination to fill the Court's district judgeship vacancy nor did it adopt the Judicial Conference recommendation that the district's temporary judgeship be converted to permanent status.

District Judges. The Northern District of Ohio is authorized twelve judgeships, eleven permanent and one temporary. The district has one district judge vacancy that was created when former Chief Judge George W. White retired from the bench on February 26, 1999. The district is also fortunate to have five senior judges sharing the Court's workload.

The Court remains concerned that it could lose its temporary judgeship because, absent congressional action, authorization for the position will lapse with the first judgeship vacancy created on or after November 15, 2001. While the Judicial Conference has recommended that the temporary judgeship be converted to permanent status, Congress has not acted on that issue. Extending the term of the temporary judgeship remains a high priority.

Magistrate Judges. The Northern District of Ohio has eight magistrate judges on board, including one in retired-recalled status, with five assigned to Cleveland and one each to Akron, Toledo and Youngstown. Two of the magistrate judgeships were filled within the past six months as George J. Limbert was appointed to fill a vacancy in Youngstown in November, 1999, and William H. Baughman, Jr. filled a vacancy in Cleveland in February, 2000. We were very pleased with the Judicial Conference recommendation resulting from the Magistrate Judge Survey conducted in March that there be no changes to our complement of magistrate judges.

The role of the magistrate judges in the management of civil cases continues to be significant. As of the end of 1999, magistrate judges presided over 399 (13%) of the pending civil cases. Magistrate judges were the presiding judicial officers for 481 (12%) of the civil cases that were resolved in 1999, up 76% from the 272 civil cases magistrate judges closed in 1991, shortly before the district

implemented its Civil Justice Reform Act delay and cost reduction plan. During the past year the Court also adopted a Local Rule permitting magistrate judges to accept pleas of guilty upon the consent of all counsel and the defendant in criminal cases.

Electronic Courtroom. The Northern District of Ohio strives to provide litigants with the best facilities available to assist in the efficient administration of justice. In order to streamline the presentation of evidence at trial, the Court installed one of the most technologically advanced courtrooms in the country in its Cleveland court house in 1998. The courtroom is in regular use throughout the year by all judicial officers and has contributed to substantial savings of trial time. In 1999, the Court set aside funding to provide for infrastructure modifications and courtroom technology equipment to be installed in one courtroom at each of the other Court locations. Each court house will soon have a courtroom with a Digital Evidence Presentation System (DEPS), through which counsel can display exhibits, realtime transcripts, video recordings or multimedia presentations with the push of a button. The systems include a document camera for displaying documents, x-rays and three-dimensional objects; 15" flat-panel video displays on counsel tables, the judge's bench and between jurors; VGA connections to display documents, multi-media presentations or images from a portable computer on any monitor in the courtroom; technology-ready counsel tables; realtime court reporter transcription; a visual image printer to

produce 3" x 5" prints of any image displayed through the DEPS; a tablet and light pen which permit on-screen drawing and highlighting to emphasize specific details of evidence; a videocassette recorder; and infrared equipment for listening assistance and language translation. The district also has portable evidence presentation equipment available at all Court locations. We also applied for and received permission from the Ohio Supreme Court to provide CLE credit to attorneys attending a monthly seminar conducted by courthouse staff on the use of this equipment.

Videoconferencing and Satellite Reception. The district installed videoconferencing and satellite reception equipment at each court location in January, 1999. Videoconferencing is available in at least three fixed locations within each court house. Supplemental portable videoconferencing equipment has also been procured for Cleveland. The equipment has been used for remote witness testimony, prisoner videoconferencing, judges' meetings, Clerk's Office meetings, and participation in long-distance learning programs offered by the Administrative Office and the Federal Judicial Center. The Court has saved significant amounts of travel time and costs through electronic participation in these events. Moreover, the savings haven't been limited to this district alone. The Ninth Circuit Court of Appeals and the U.S. Marshal Service saved considerable time and expense by bringing a pro se prisoner held in a nearby federal penitentiary to the Youngstown Court

House to participate in an oral argument on a motion via videoconference, rather than flying the prisoner to San Francisco for the hearing.

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. Beginning in January, 1996, with the maritime asbestos litigation and expanding the program to selected civil cases in November, 1997, the Court has permitted attorneys to file documents electronically using a prototype system being developed by the Technology Enhancement Office of the Administrative Office of the U.S. Courts. Over 300 attorneys from 150 plus firms have electronically filed over 175,000 documents in 329 traditional civil cases and over 17,000 maritime asbestos cases. Attorneys have found the system to be convenient and easy to use and have expressed pleasure with the speed of electronic noticing.

In May, 1999, the Court held a district-wide training program in Cleveland focusing on electronic filing. It was the first time ever that all the Court's judges, magistrate judges, law clerks, staff attorneys, judicial assistants, court reporters and Clerk's Office staff were gathered under one roof. Representatives from the Administrative Office, the Federal Judicial Center and the Western District of Missouri (another electronic filing prototype court) also participated in the program. The workshop provided all Court personnel with an in-depth overview of how electronic filing works, the Court's

“policies regarding its use, and the best methods to promote its use among attorneys. The number of traditional civil cases designated for electronic filing has increased from 63 to 342 since the program. The Court views electronic filing as a way to expand access to Court records, provide attorneys with a unique labor saving system of filing and distributing documents, while saving Court staff time and effort. We expect that its use will continue to grow rapidly.

New Court Houses. The new U.S. Court House in Cleveland is under construction with the structural steel work scheduled to be “topped out” in Spring, 2000. When it is completed in the fall of 2001, the new court house, with 432,000 square feet of occupiable space, will house all Cleveland-based court of appeals judges, district judges, magistrate judges, the Clerk’s Office, the U.S. Probation Office, the U.S. Pretrial Services Office, the U.S. Marshal and the U.S. Attorney’s Office. The district expects to achieve substantial improvements in court security as well as significant cost savings through the reduction of costly leased space by consolidating the Court family in one building

In 1999, Congress authorized construction of a second federal building/court house in Youngstown, Ohio. The building will have 27,600 square feet of usable space and will house the U.S. Bankruptcy Court, the U.S. Trustee, the U.S. Congressman and other government entities. The contract for the architect has now been awarded and the

building is scheduled for completion in 2002.

A new U.S. Court House has been proposed for Toledo and is included in the Court’s five-year plan for site and design in 2003. The new facility will house the U.S. District Court, the U.S. Bankruptcy Court, and other Court entities. The existing Court House is the subject of a Feasibility Study now underway to determine its future use.

Current Cleveland Court House. When the new Cleveland Court House is completed, the existing Howard M. Metzenbaum United States Court House will be vacated completely and the building will be extensively renovated. The proposed project includes space alterations for some of the most architecturally significant public spaces in the building and a complete building-wide modernization of the HVAC, plumbing, fire/life safety, lighting and power systems. The U.S. Bankruptcy Court will become the primary tenant of the court house when the renovation is completed.

Facilities. Upgrades to facilities are ongoing. One courtroom in Akron, which had not been updated in 25 years, is undergoing extensive renovation to provide daylight to the courtroom, as well as to provide the infrastructure for electronic courtroom equipment. The work began in November 1999 and is scheduled for completion in May 2000. In Toledo, a courtroom has been renovated to include the infrastructure for electronic courtroom equipment, which is scheduled to be

installed in March 2000. The courtroom in the Thomas D. Lambros Courthouse in Youngstown will also be renovated this year to provide the infrastructure for electronic courtroom technology.

Civil Docket. While civil filings continue at near record levels, the overall pending docket of civil cases was reduced to its lowest level in the past decade. Non-asbestos civil case filings rose 5% from 3,926 in 1998 to 4,130 in 1999, the second highest number of civil filings ever. The district closed 4,181 civil cases in 1999, the third highest total ever which reduced the number of pending civil cases to 3,123 at the close of 1999. According to the Judicial Caseload Profile for the year ending September 30, 1999, the district's weighted filings per judgeship is 13% below the national average (411 to 472) and ranks seventh in the circuit and 56th overall.

Criminal Docket. The district achieved a record number of criminal case closings and the second highest number of criminal defendant closings ever during the past year, which reduced the number of pending criminal cases and defendants to their lowest levels in the past decade. Criminal case closings rose 2% from 530 cases in 1998 to 542 cases in 1999. Criminal defendant closings fell 10% from 888 in 1998 to 799 in 1999. The number of criminal case filings and criminal defendant filings declined in 1999. Criminal case filings dropped 17% from 567 in 1998 to 473 in 1999. Criminal defendant filings also fell 17% from 871 in 1998 to 725 in 1999. The number of

criminal filings remains relatively low when compared with other districts. For the period ending September 1999, the district ranked 61st in the nation and sixth in the Sixth Circuit in criminal felony case filings per authorized judgeship. At the end of 1999, the number of pending criminal cases and defendants were at their lowest levels in the past decade. The number of pending criminal cases fell 19% from 364 at the end of 1998 to 294 at the end of 1999. The number of pending defendants decreased 14% from 565 to 485.

Asbestos Docket. The district now maintains over 44,000 asbestos case files. Although all asbestos cases in the federal courts have been transferred to the Eastern District of Pennsylvania for pretrial supervision under Multi District Litigation, asbestos cases continue to be filed and docketed here. Asbestos case filings declined 35% from 4,997 in 1998 to 3,269 in 1999. The drop in asbestos case filings was even more dramatic for the statistical year figures used in the Clerk's Office staffing allocation formula which resulted in a dramatic drop of 20.7 authorized work units and a substantial reduction in the budget allocation for district court operations. The decline in asbestos case filings was attributable to a six month slowdown in filings from plaintiffs' firm in the maritime asbestos litigation due to the death of lead counsel. Filings from that firm have since risen significantly.

Civil Justice Reform Act. Much of the district's success in maintaining current dockets during times of record level civil

case filings can be attributed to the case management programs adopted by the Court pursuant to its role as a Demonstration District under the Civil Justice Reform Act of 1990. Under that program, the district adopted a Differentiated Case Management (DCM) Plan, a wide menu of Alternative Dispute Resolution (ADR) options and a Pending Inventory Reduction Plan (PIRP) to manage its civil caseload. These programs have proven highly successful and remain popular with the bench and the bar. Since these programs were initiated, the number of cases three years and older has been reduced by over 76% and the number of motions pending six months or longer has declined by 73%.

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. In 1999, the Court extended the membership and expanded the mission of the Advisory Group for the Northern District of Ohio to cover all matters of interest, whether civil or criminal, to the bench and the bar. The group meets with the judges semiannually in May and October and has established several committees that meet independently throughout the year.

Committees include: Civil Rules & Procedures; Criminal Rules & Procedures; Alternative Dispute Resolution; Professionalism, Mentoring & Training; Technology; Magistrate Judge Utilization and New Court House.

Juror Utilization. The Court has placed special emphasis on improving its rate of juror utilization ever since it ranked last in the circuit and 93rd nationwide in the percentage of jurors called but not used in 1989. The district now utilizes pro-active juror management techniques such as staggering trial start times, pooling jurors, using multiple voir dire and assessing jury costs for late settlements. During 1999, only 25% of the jurors called were not used, which satisfied the Judicial Conference goal of having no more than 30% not utilized. That figure was also an improvement from 1998 when 27% of the jurors called were not used. This achievement was accomplished by a concentrated effort among judicial officers, court staff, and jury clerks. The Court has also taken steps to improve juror morale by offering healthy snacks to seated petit and grand jurors, making public transportation schedules available in our jury assembly rooms, and surveying all seated jurors and sharing the results with the presiding judicial officer. We also provide cable/satellite transmission of television to all jury rooms where television reception previously had been very poor. Exit questionnaires show that jurors are very appreciative of these efforts.

Naturalization of New Citizens. The Court administered the oath of allegiance to 3,301 new citizens in fiscal year 1999. In addition to regular bi-monthly ceremonies in Cleveland, 22 additional ceremonies were conducted in the court house, and one special ceremony was conducted at another location. In Toledo, naturalization ceremonies were conducted monthly, and two special ceremonies were held at public locations throughout the Western Division.

Court Recording. The Northern District of Ohio employs 12 official court reporters and one full-time Electronic Court Recorder (ECR), assisted on a regular basis by a variety of deputy clerks, to serve its 24 judicial officers. By pooling court reporters, the district is able to save thousands of dollars in contract court reporter fees each year. Official court reporters in Cleveland are placed on a three-month assignment to a district judge, and reporters in Akron, Toledo and Youngstown are assigned by the court reporter supervisor in a manner which efficiently meets the needs of the judges. Court reporters frequently travel to other court locations to assist in providing coverage to judicial officers. The court established a goal that all court reporters become realtime certified by May, 2001. Currently, six of the twelve court reporters are Certified Realtime Reporters. The ECR operators provide electronic recording for the magistrate judges.

Clerk's Office. For FY 2000, the Clerk's Office is allocated 91 work units and currently has 90 staff on board. The

staffing allocation was reduced by 20.7 work units during the past year due to the significant decline in asbestos case filings. Despite the substantial drop in authorized work units, no layoffs were necessary since the Clerk's Office never hired up to its authorized level because it knew that asbestos case filings were likely to fluctuate widely. The Clerk's Office supports 24 judicial officers and its automation department supports 339 desktop and laptop computers and 22 file servers. The Office has taken a leadership role in the implementation of electronic filing and video-conferencing, the installation of electronic courtrooms, the renovation of Court facilities, and the construction of the new Cleveland Court House. We were very proud of the coordinated efforts of all court units in a non-eventful Y2K transition. The Clerk's Office implemented the new CJA Payment System in July. The new system reduced by 15 the number of clerks involved in the auditing, verification and payment process. A new Computer Security Handbook and cc:Mail User Standards was adopted by the Court and training has been completed. The Clerk's Office has had an existing web site up and running and looks forward to expanding the site over the next few months to provide improved service to the bar and the public.

Probation Office. John J. Peet III was appointed as Chief Probation Officer to replace Keith A. Koenning, who retired at the close of 1999. During FY 1999, the Probation Office completed 711 presentence reports, a 16% decrease from the previous year. However, the number of

persons under supervision increased 9% to 1,662 by the end of the fiscal year. There were 300 offenders in home confinement, a 21% increase from the previous year. The largest budget expenditure, other than personnel, was for substance abuse treatment/testing and mental health treatment for offenders (\$781,871 and \$188,571, respectively). As part of a national impetus, the Probation Office is looking at ways to maximize the utilization of treatment allotment. The authorized term for residential drug placement has been reduced from 90 to 30 days. In fiscal 1999, 13,301 urine specimens were collected, of which 1,051 tested positive for illicit substances. Fine and restitution payments totaled \$1,407,491. The number of community service hours performed by offenders under supervision was 3,987. Five new probation officers were appointed in fiscal 1999. Staff completed an average of over 60 hours of training per employee. Automation staff support 133 personal systems, PACTS, and three local area networks. Video conferencing is available in all offices.

Pretrial Services Office. The Court approved Pretrial Services' continued participation in the Department of Justice Operation Drug Test Program that requests a voluntary drug test from defendants prior to their initial appearance. The program provides funding for substance abuse treatment and other alternatives to detention services when ordered by the Court. During FY 99, 764 cases were activated and 885 were closed. At year end, 232 defendants were on supervision. There were 422 total cases and 249 new

cases with conditions of release for drug testing and/or treatment, mental health treatment, and, residential placement. There were also 109 electronic monitoring cases. Staff had 1,664 hours of training in 69 programs.

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. In conjunction with the ECF Workshop conducted in May (which was described earlier), Federal Judicial Center trainers provided the Employment Dispute Resolution/Sexual Harassment Awareness program and the Ethics and Sexual Harassment program to all staff. In December, the FJC also presented a program on Managing the Technical Professional to all court unit executives, chief deputy clerks, automation managers and select supervisory personnel and facilitated a Negotiating Skills Training Program that was attended by all Clerk's Office managers, supervisors and automation department personnel.

Respectfully Submitted,



Chief Judge

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

ANNUAL REPORT

The wheels of justice have ground smoothly and, it is hoped, evenly in the Southern District of Ohio, since last we met in Traverse City.

While there has been a lack of earth-shaking, newsworthy items from our District, lying south of a line running east to west, across the State of Ohio, just north of the City of Columbus, it has, nonetheless, been a year of steady progress and planned innovation. While it is tempting to credit such accomplishments to the firm hand on the tiller of our District's dynamic and progressive Chief Judge, the truth lies elsewhere.

That our 17 judicial officers have been able to reduce our pending caseload, for the second consecutive year, despite an increase in filings of almost six percent; that we have taken positive steps to compile a written history of the Southern District of Ohio, from the warm, late spring day in June, 1803, when the gavel was lowered at Chillicothe, to call to order the first session of the United States District Court for the District of Ohio, to the present time, by giving a series of oral interviews; that we have completed a plan to establish, insofar as we know, the first in-house mediation office of any District Court in the country, with a goal in mind of successfully mediating cases to a con-



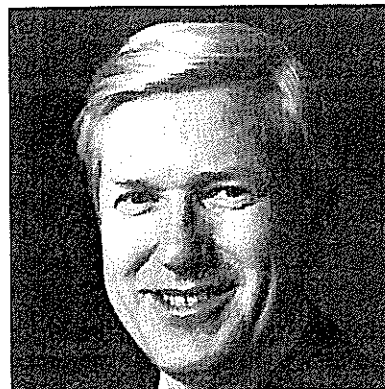
*Hon. Walter Herbert Rice
Chief Judge*

clusion as early "in the pipeline" as is possible, lacking only the necessary funding, at this time, to hire the person who will serve as our first mediator; that we are in the process of creating a Southern District of Ohio web site, which will make information concerning our District and the cases pending on its docket, as user friendly and as accessible to the public as is possible; and that we have taken steps to create, both for the benefit of our District's judicial officers and, ultimately, for access to the public, an opinion and jury instructions retrieval database, all can be attributed to two, ever-constant dynamics---first, 17 judicial officers, as collegial and as dedicated a group as has ever served the public as members of the Federal Bench, and, second, a devoted group of associates, consisting of our own Chambers staff, as well as members of our Clerk of Courts Office, and Probation and Pretrial Services Departments, whose hard work and dedication to the cause of justice is second to none, in any Court, anywhere. We are fully cognizant of the fact that nothing our District might accomplish would be

possible without their service. We take this opportunity to extend to them our sincerest appreciation.

Respectfully submitted,

Walter Herbert Rice
Chief Judge
U.S. District Court



Hon. R. Allan Edgar
Chief Judge

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

ANNUAL REPORT

Technology Committee. We formed a district-wide Information Technology Management Committee during 1999 in an effort to promote cooperation between all court units and to better utilize technology resources. The committee is composed of the systems managers of each unit, representatives of the general staffs of the district court and the bankruptcy court, and the court librarian. The committee immediately found various ways that the units can share resources and provide more efficient and cost-effective service. In addition, members said they found it beneficial just to have the opportunity to sit down together and discuss mutual problems.

Recalled Magistrate Judge. We experienced a "first" for our district during 1999 with the addition of a recalled magistrate judge to our staff. Magistrate Judge John Y. Powers retired upon reaching age 70 and consented to continue serving the court in recall status, that step receiving the approval of the Judicial Council. Magistrate Judge Powers received a three-year recall appointment. He was succeeded by Magistrate Judge William B. Mitchell Carter, who was sworn in on July 30. The court now has five magistrate judges in addition to the five district judges.

Court Facilities. Construction was begun in May for a new courthouse in Greeneville, and completion is scheduled for 2001. Court operations will move from the 96-year-old federal courthouse currently in use, one of the oldest structures in the nation still serving as a federal court facility. Our attention has now turned to the Chattanooga federal courthouse, which soon will become the oldest federal courthouse in use in the

district, dating back to 1933. Plans approved in the Five-Year Plan for New Courthouse Construction call for an upgrade of the existing facility and construction of an annex behind the courthouse.

Training Via Satellite. Training in our district took a big upswing during 1999 as many staff members learned to make good use of the Federal Judicial Television Network (FJTN). Numerous live programs were viewed by a great number of staff members--from judges to law clerks to docketing deputy clerks. Oftentimes, programs were videotaped for viewing by additional staff members, sometimes in their off hours at home. The FJTN in its short life has proven to be an outstanding means of training for all levels of court employees.

Management Review. Our clerk's office underwent a management review by an Administrative Office team in June, and it proved to be a worthwhile project. Many of the procedures being followed by the clerk's staff measured up favorably, and the staff was generally reassured by the findings. Some shortcomings were noted by the review team, and steps were taken to address those areas.

Respectfully submitted,
R. Allan Edgar
Chief Judge



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

ANNUAL REPORT

Judicial Officers:

The United States District Court for the Middle District of Tennessee currently has four active Article III judges, three senior judges, two magistrate judges, one vacant magistrate judge position, and three bankruptcy judges. This district has experienced some change in its judicial officers in the past year:

- Judge Thomas A. Higgins took senior status in February 1999. He was appointed as a United States District Judge by President Ronald Reagan in December 1984.
- Magistrate Judge William J. Haynes, Jr., was appointed to the position of United States District Judge in December 1999, after a nine-month judgeship vacancy. Prior to his appointment as a United States District Judge, Judge Haynes had served as a Magistrate Judge in the Middle District of Tennessee since 1984.
- Magistrate Judge Kent Sandidge, who retired in 1994, generously consented to be recalled on a temporary basis to assist the current magistrate judges until the new magistrate judge is selected.

- Judge Marian Harrison was appointed by the Sixth Circuit Court of Appeals in December 1999 to be the new United States Bankruptcy Judge. Judge Harrison filled the vacancy created as a result of Bankruptcy Judge Aleta Trauger's appointment by President Clinton to the position of United States District Judge in December 1998.
- A Magistrate Judge Merit Selection Panel has been appointed to interview applicants for the vacant magistrate judge position, and it recently recommended five candidates to the Court. The Court is scheduled to interview the finalists on March 20, 2000. It is expected that a new magistrate judge will be selected shortly thereafter.
- Civil rights cases, which constitute 24 percent of the total civil cases in the district, increased slightly (less than 1 percent).
- Social security cases rose 33 percent in 1999 and labor cases increased 25 percent.
- Prisoner petitions declined 13 percent, although this category still accounts for 22 percent of the total civil cases in the district.
- The median time to process a civil case from filing to disposition is 9 months (up from 8 months); for civil cases going to trial, the median time is 25 months (up from 21 months); for criminal felony defendants, the median time is 9.3 months.
- There were 32 trials completed in 1999, which according to the Administrative Office caseload profile is more than any other district within the circuit.

Workload:

The following workload statistics for the district are for the twelve-month period ending September 30, 1999:

District Court:

- Civil filings increased 2.4 percent, which is fairly consistent with the national average of 2.1 percent.
- Criminal filings increased 28 percent in 1999.

Bankruptcy Court:

- Total case filings decreased 11 percent in statistical year 1999.
- Chapter 7 cases now constitute 58 percent of total cases filed.

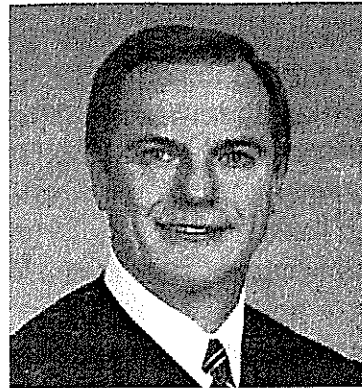
Recent Developments:

-The latest draft of the revisions to the Local Rules of the Court have been submitted to the Judges for approval.

-Chief Judge Robert Echols plans to participate in the Law Day Celebration telecast sponsored by the Administrative Office of the Courts via satellite hookup in his courtroom. Judge Echols contacted the Director of the Metropolitan Davidson County School System and four schools will be selected to send high school seniors, along with a faculty representative, to the Court on April 27, 2000, for the program. The program is designed to encourage students to have an appreciation of judicial independence by giving them a first-hand experience with the challenges judges face in making impartial, unpopular decisions. The students will be put in the judge's position of making a difficult decision on a Fourth Amendment case regarding a backpack search in a school setting. Attorneys from the U.S. Attorney's Office and the Office of the Federal Public Defender are helping to coordinate the program and to serve on a local panel to facilitate follow-up discussion.

-Senior Judge Thomas A. Wiseman, Jr., agreed to sit with the U.S. District Court for the Middle District of Florida during March, April, and May, 2000.

-Judge Todd Campbell is chair of the Court's Technology Committee, with help from Roger Milam, Clerk of Court. The Committee is in the process of building a web site which will contain local rules, the practice and procedure manual, alternate dispute resolution procedures, court history, telephone numbers, filing instructions, directions to the courthouse, and selected opinions



*Hon. Robert L. Echols
Chief Judge*

which the judges will specifically designate for presentation on the web site. The Court hopes the web site will be up and available by July 2000.

-Judge Thomas Higgins, Judge John Nixon, and Magistrate Judge Joe Brown are organizing a new committee on the history of the United States District Court for the Middle District of Tennessee.

-Judge William J. Haynes, Jr., was the principal speaker at an event hosted by the Internal Revenue Service commemorating Black History Month.

-Judge Echols continues to meet with the Marshal's Service, Federal Protective Service, and GSA regarding the myriad of security problems confronting the buildings in Nashville which house the district court, bankruptcy court, and appellate court offices.

-The cafeteria in the federal building where the courts are located officially closed on December 17, 1999.

In spite of the previously announced and predictable closing, GSA has done virtually nothing to restore food service to the building, which houses approximately 1500 federal employees. The lack of food service, coupled with the location of the building, has created a serious problem for the Court because jurors are no longer able to eat and return within the normal one-hour lunch period. This is disruptive to the Court, inconvenient for the jurors, and increases the time and expense of jury trials. The Court continues to plead with GSA to remedy the problem and has asked the Administrative Office to intervene.



*Hon. Julia Smith Gibbons
Chief Judge*

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*UNITED STATES DISTRICT
COURT
WESTERN DISTRICT OF
TENNESSEE*

ANNUAL REPORT

In the year 1999, the United States District Court for the Western District of Tennessee participated in the global effort to bring information systems into compliance with "Y2K" requirements. Concerted efforts were made throughout the year to inventory hardware and software applications, and to upgrade, re-engineer, and phase-out technologies as necessary. As a result, the court's transition into year 2000 occurred without event.

In the late fall, the new Jury Management System (JMS) was installed.

Requiring a major training effort for systems staff learning the Informix database system, and for users of the application, the JMS offers a host of management information reports, employs juror attendance bar-code technology, and a high-speed scanner to read questionnaires, among other jury management innovations. In connection with the JMS, the clerk's office customized the new bar-coded summons creating a visually appealing presentation of information critically important to jurors, and earning the recognition of the AO's JMS installation team. The clerk's office is developing expertise in this new application, documenting processes for internal use and for the benefit of other courts as they adopt the application.

At the beginning of the year, Clerk's Office began using a fax-noticing service which provides consenting attorneys with all court orders and notices by facsimile within 24 hours of docketing. Of the near 3,700 attorneys admitted to practice before the bar of this court, some 1,100 (30 percent) are participating in this

cost-saving venture. Notwithstanding the merits of timely noticing, alone, the operations postage budget has realized almost a nine percent savings (some \$2,000) during the first two months of the year 2000, compared to the first two months of the year 1999 when users were beginning to employ the service. It is expected over time, most counsel will favor this technology in lieu of traditional mail.

At 1999 year end, the court authorized the Bankruptcy Appellate Panel (BAP) to hear and determine appeals originating in the Western District of Tennessee beginning February 1, 2000.

Compared to 1998, civil filings decreased by four percent, while criminal filing remained nearly constant. The median time from filing to disposition increased from 7 to 9 months, while the median time from filing to trial remained at 20 months when compared to the previous year. Only 2.5 percent of the civil inventory has been pending three years or more.







Report

of the

Sixth Circuit

Bankruptcy Appellate Panel



**BANKRUPTCY APPELLATE PANEL
OF THE SIXTH CIRCUIT**

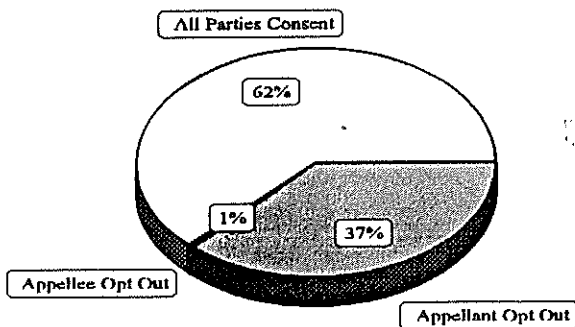
ANNUAL REPORT

**HON. STEVEN RHODES
CHIEF JUDGE**

The Bankruptcy Appellate Panel of the Sixth Circuit has now concluded its third full year of operations hearing bankruptcy appeals in the Northern and Southern Districts of Ohio. It remains widely accepted by the bar and the parties in those districts. The BAP hears appeals from the bankruptcy courts when all parties consent, and in 1999 the parties consented to BAP jurisdiction in 62% of the bankruptcy appeals in Ohio.

New Case Filings

In 1999, there were a total of 106 appeals filed from bankruptcy decisions in Ohio. As shown in the chart to the right, the appellants elected to have their appeals heard by the district court in 39 cases (37%) and the appellee elected for district court review in 1 case (1%). Consequently, the BAP will hear and decide 66 bankruptcy appeals (62%).



Terminated Cases

Opinion	25
Voluntarily dismissed	25
Dismissed for lack of jurisdiction	4
Appellee elect to district court	1
Dismissed for want of prosecution	2
Denial of leave to appeal	6

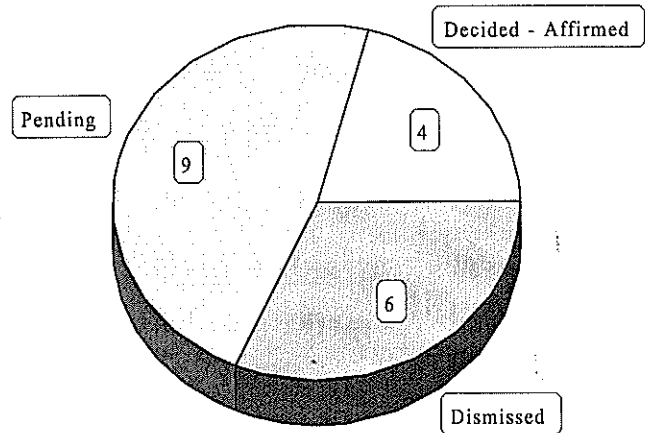
During 1999, the BAP terminated 63 cases. The terminations are shown in the chart to the left.

Of the 25 opinions on the merits, 17 were precedential and 8 were not precedential. The average times for processing these 25 cases are shown in the chart which follows.

From Notice of Appeal to Appellee's Brief	From Appellee's Brief to Submission	From Submission to Opinion	Total from Notice of Appeal to Disposition
2 months and 22 days	2 months and 2 days	2 months 11 days	7 months and 6 days

Appeals from the BAP to the Court of Appeals

In the three year history of the BAP, notices of appeal to the court of appeals were filed in 19 of the 71 BAP cases terminated with opinions on the merits (25%). As of December 31, 1999, the court of appeals had issued 4 decisions reviewing BAP opinions and all 4 were affirmed. Of the remaining 15 cases, the court of appeals dismissed 6 appeals and 9 were still pending.



During 1999, notices of appeal from the BAP to the court of appeals were filed in 6 of the 25 cases with opinions on the merits (25%).

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 1999, the office worked on 34 cases and settled 19 of them (56%).

The Judges of the Bankruptcy Appellate Panel of the Sixth Circuit

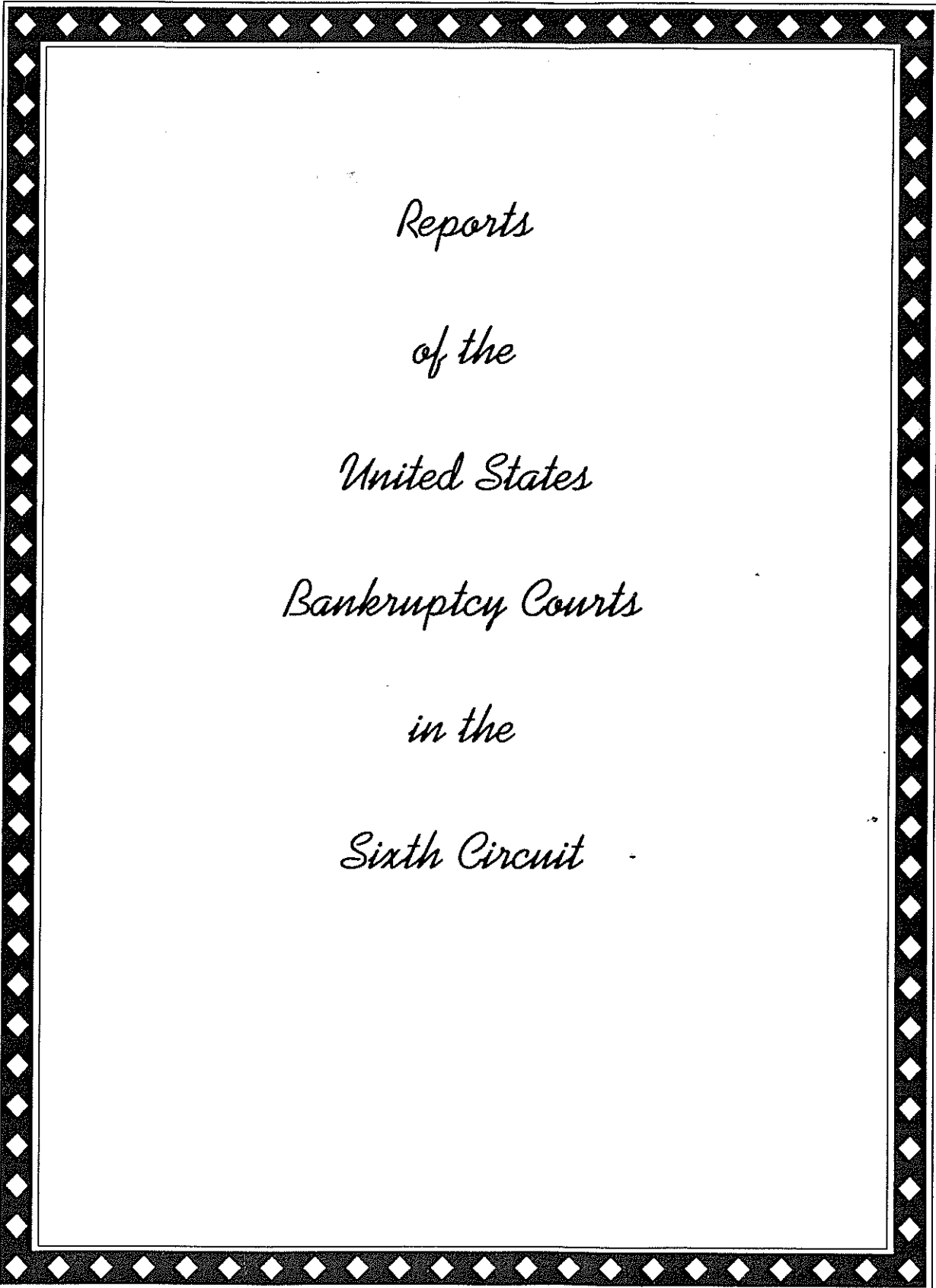
Bankruptcy Judges Pat Morganstern-Clarren (N.D. Ohio) and William H. Brown (W.D. Tenn.) began their service on the BAP on January 1, 1999. In addition, Bankruptcy Judge Vince Aug (S.D. Ohio) began his service on the BAP at the end of 1999. Bankruptcy Judges David T. Stosberg (W.D. Ky.) and Steven Rhodes (E.D. Mi.) continue their terms of service.

For their dedication to service and their warm collegiality during its first three years, the BAP wishes to extend its thanks and appreciation to the original BAP judges who have now completed their service, Bankruptcy Judges Keith M. Lundin (M.D. Tenn.), Randolph Baxter (N.D. Ohio) and Thomas F. Waldron (S.D. Ohio). The BAP especially thanks former Chief Judge Waldron for his outstanding and tireless leadership on behalf of the BAP. Bankruptcy Judge Steven Rhodes was appointed chief judge to succeed Judge Waldron.

Looking Toward the Future

The BAP now looks forward to hearing appeals from an additional district in the circuit. As of February 1, 2000, the judges of the United States District Court for Western District of Tennessee authorized bankruptcy appeals to the BAP. This will involve not only new appeals but also the potential for the district court to transfer pending appeals to the BAP, with the consent of the parties.





Reports
of the
United States
Bankruptcy Courts
in the
Sixth Circuit



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

ANNUAL REPORT

**WILLIAM S. HOWARD,
CHIEF JUDGE**



**Hon. William S. Howard
Chief Judge**

Judge Joe Lee. Recalled Judge Joe Lee continues to handle a full caseload and Judges Scott and Howard have requested that the Circuit Council recall him for another year beginning October 1, 2000. He has been extremely helpful in remaining a part of the court and contributing his time and energy to make the workload lighter for all.

New Covington Courthouse. The new courthouse for Covington was dedicated in September, 1999. The facility houses three district courtrooms, one magistrate and one bankruptcy courtroom. It is a great improvement for our court in terms of facilities, space and technical innovations which greatly assist in presenting and displaying evidence and providing security for court personnel.

Filing Statistics. Filings for the past 24 months have continued to increase. Total case filings for this period were 18,459, an increase of 4%. Filings for the most recent 12

month period have decreased by 6.5%.

Website. The Court's website (<http://www.kyeb.uscourts.gov>) introduced in January, 1999, continues to be a huge success. The site is ever expanding to accommodate the public, the bar and filers as software has been added to (1) assist the blind, and (2) translate into other languages, especially Spanish. To date, the site has received some 12,000 visitors. The site includes current information, filing fees, locations of our 6 court facilities with maps, texts of standing orders related to practice, post judgment interest rates, frequently asked questions, online opinions of our judges, local rules and a wealth of other information for the practitioner, debtor or creditor.

Eastern/Western District of Kentucky Joint Rules. Judge Joseph M. Scott, Jr. of the Eastern District and Judge Joan Lloyd Cooper of the Western District have formed a

Committee of eight (8) bankruptcy practitioners to explore joint bankruptcy rules similar to the joint rules of the district courts of the two districts. The committee's first meeting is scheduled for March 10, 2000 at the Kentucky Bar Center.

AutoCOP. AutoCOP, the Automated Case Opening Program, went operational August, 1999. The system is operating extremely well, automatically docketing the first seven (7) matters in each filed case.

Employee Community Involvement. Blood Drive - The office blood donation drive resulted in 21 donors from this office with a total of 33 from the building.

Mentor Program - Seven employees from the Clerk's office are volunteering at the Harrison Street Elementary School Mentor Program. This is an intercity School with the highest number of free or reduced cost lunches in Fayette County. A high number of children are from unstable/abusive homes. The employees visit at least once a week to have lunch with a child or two, read, play games or play ball. The children always ask when they are coming back or can they come back more than one day the following week. Mentors and mentees are benefiting.

Clerk. Our court is delighted that our clerk, Jerry D. Truitt, is President-

Elect of the Kentucky Bar Association and will be sworn in as President of the KBA at their annual convention in June, 2000. He will serve as President from July 1, 2000 - June 30, 2001. Jerry practiced law for 25 years before becoming clerk 3 years ago.



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

ANNUAL REPORT

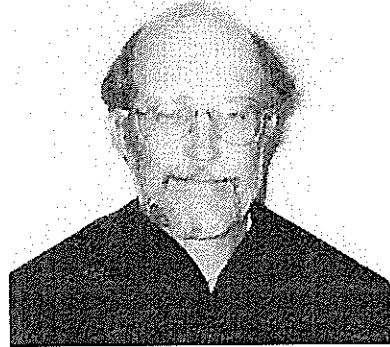
**David T. Stosberg
Chief Judge**

Statistics. The United States Bankruptcy Court for the Western District of Kentucky experienced a slight decrease in case filings from the previous years. The chart below demonstrates the variations in filings for the last five years:

Fillings for Year Ending December 31:	1994	1995	1996	1997	1998	1999
All Cases	6,558	8,111	10,505	12,137	12,595	11,833
Percent Change from Year Before		24%	30%	16%	.04%	-.06%
All Terminations	6,582	7,473	9,238	11,609	12,006	11,945
Percent Change from Year Before		14%	24%	26%	.03%	-.005%
Pending Cases	6,462	7,966	8,381	8,908	9,497	9,385
Percent Change from Year Before		23%	.05%	.06%	.06%	-.01%
# of Staff as of December 31	36	35	39	46.5	44.5	43.5
# of Cases Filed Per Staff Member	182	232	270	261	283	272

We have seen significant changes in the amount of work done by each staff member due in part to both information systems advances and process improvement. The Bankruptcy Court staff processed an average of 264 cases per staff member for the past five years. Staff processed an average 182 cases per staff member for the previous five year period - 1990 to 1994 and an average of 183 cases per staff member for the five year period previous to 1990 - 1985 to 1989. In other words, the Court has seen a 45% increase in cases filed and processed per staff member in the last five years.

Retirement of Judge Henry H. Dickinson. In July of 1999, Judge Henry H. Dickinson retired from the bench after almost 12 years of service as a judge and many years of service as a trustee. Judge Dickinson left his mark on the Court in many ways, but one of the most remembered is his continuing kindness to all those he worked with.



***Hon. David T. Stosberg
Chief Judge***

Appointment of Judge Joan L. Cooper. In December of 1999, Joan L. Cooper was sworn in as a U.S. Bankruptcy Court Judge. Judge Cooper was a partner in the largest law firm in Kentucky and practiced in the Bankruptcy Court for fourteen years prior to her appointment. She will take over a portion of the Louisville cases and the Bowling Green Division. We are very happy to have her on board.

New PBX Telephone System. In September, 1998 the Bankruptcy Court, in a joint project with District Court and Probation, purchased a Private Branch Exchange (PBX) telephone system. Installation of a Lucent Technologies Definity PBX was completed in December, 1998. This project was funded by the Administrative Office. The system is administered by the automation staff and allows us to easily make moves and changes and obtain records.

Bankruptcy Court Training for Paralegals and Secretaries. The Court along with the Federal Bar

Association sponsored training for paralegals and secretaries in bankruptcy practice throughout the district. We had over 150 in attendance for the seminars as they were held in each of the divisions. The seminar materials were presented using the latest presentation software and created a great learning experience for Clerk's Office staff as well. Overwhelmingly, the evaluations of the materials and the presentation were well received by our customers.

FAS⁴T Beta Site. This Court continues to serve as a Beta Court for FAS⁴T. Though this project is now focusing on Implementation courts, we provide support and assistance to those courts as needed.

CM/ECF. We have begun the initial phases of managing the Case Management/Electronic Case Files Project. A survey of the most frequent filers was done in 1999 to ascertain the interest by attorneys in electronic case filing. We were

pleased to find much support for ECF, however, the fee for the information made available on the Internet presents a challenge in our district.

Automated Case Closing/Discharge Program. Following a Methods Analysis Program review in 1998, we were pleased to know that the sole recommendation of the reviewers was for us to look at automated docketing programs. However, the reviewers were not hopeful that significant reductions in processing time could be achieved as our case processing was already remarkably efficient. In 1999, we implemented the Automated Case Closing and Discharge Program designed by the Southern District of Iowa Bankruptcy Court. We are experiencing some time savings from the program.

Automated Chapter 13 Show Cause Docket Orders. The Information Systems staff created a program for the Courtroom Services personnel which generates standard orders as a result of the show cause docket. The program saves considerable time in preparing orders resulting from these hearings.



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

ANNUAL REPORT

Statistics. The growth in case filings finally abated in 1999. The number of petitions filed decreased by 8% to 25,693. However, chapter 11 petitions increased by 8% and adversary proceedings filings increased by 12%. Despite the high number of cases filed and pending, and thanks in part to the continuing assistance of Visiting Judge Burton Perlman (S.D. Ohio, recalled), cases continued to be closed expeditiously.

Additional Judgeship. The need for an additional judgeship in the district continues to be justified by the weighted filings per judge. A request by the Circuit and Judicial Conference for an additional judge is still pending before Congress. As noted, with the cooperation of the Sixth Circuit Judicial Council, the district has greatly benefited by the assistance of Judge Perlman.

The Bankruptcy Bar. Bankruptcy practitioners in the Eastern District of Michigan continue to provide substantial support to the Court in our mediation and pro bono programs and in continuing legal education seminars. In September, the administration of the pro bono

program was moved from a local bar association to the Clerk.

Systems. Due to the outstanding efforts of the Clerk and the dedicated staff of her Systems Department, with the assistance of their Washington, D.C. counterparts at the Administrative Office, the Eastern District of Michigan weathered the Y2K changeover with nary a hint of a problem.

This year also marked the debut of our own home page on the World Wide Web. At <http://www.mieb.uscourts.gov> viewers will find the local bankruptcy and district court rules; the addresses of and directions to our various courthouses; information about all of the trustees, the mediation and pro bono programs, PACER and VCIS; a telephone directory for court personnel; local forms; and the upcoming Chapter 13 case calendars for participating judges; as well as a "What's New" page and links to other relevant sites.

Trustees. Five new panel chapter 7 trustees were appointed by the U.S. trustee. In addition, the U.S. trustee announced that there would be two new standing chapter 13 trustees administering the Detroit caseload.



*Hon. Arthur J. Spector
Chief Judge*



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

ANNUAL REPORT

Appointment of Jeffrey R. Hughes. Jeffrey Raymond Hughes was appointed as a new bankruptcy judge in our district, effective as of January 6, 2000. Judge Hughes received a Bachelor of Arts degree in Economics from the University of Michigan in 1977. He subsequently attended the University of Michigan Law School and received his Juris Doctor degree in 1980.

After graduation from law school, Judge Hughes became an associate with the law firm of Schmidt, Howlett, Van't Hof, Snell & Vana, Grand Rapids, Michigan. In 1983, that firm merged and became Varnum, Riddering, Schmidt & Howlett, one of the largest law firms in Western Michigan. Judge Hughes was a partner in that law firm and served as a representative on its management committee until he was appointed as a bankruptcy judge. As a practitioner, he specialized in litigation, including arbitration proceedings, with a particular emphasis on complex commercial and bankruptcy-related litigation.

Judge Hughes' public investiture ceremony took place on

January 14, 2000, in Judge Robert Holmes Bell's courtroom in Grand Rapids. Chief Judge Richard Alan Enslen presided over the ceremony and administered the oath of office to Judge Hughes. All active district judges, magistrate judges, and bankruptcy judges attended the ceremony. Judge Hughes was robed by his parents, the Honorable and Mrs. Julien E. Hughes. Julien Hughes was formerly a circuit and probate judge in Berrien County, Michigan, for twenty-six years. At the conclusion of the ceremony, a reception was held in Judge Hughes' honor at the University Club in downtown Grand Rapids.

Judges Stevenson and Gregg, and the bankruptcy court's staff, look forward to working with Judge Hughes for many years to come.

Case Filings and Division of Cases. From the period of March, 1999 to January, 2000, Judges Stevenson and Gregg handled the "phantom judge's" docket before Judge Hughes assumed his responsibilities. The two judges kept current on all cases, contested matters, and related adversary proceedings. To support in the transition after Judge Howard's retirement and before Judge Hughes assumed his duties, the Sixth Circuit Court of Appeals permitted Judge Howard's former judicial assistant and judicial law clerk to continue to assist Judges Stevenson and Gregg.

This action by the Sixth Circuit was appreciated and was extremely helpful to the judges' efforts to promptly handle all cases. Therefore, when Judge Hughes took the bench, he was generally current on all cases, contested matters, and adversary proceedings that were assigned to him.

During calendar year 1999, 11,345 bankruptcy cases were filed in our district, which is approximately a 9% decrease from our record filings in 1998. During the first two months of 2000, case filings have again slightly increased. As occurred in the past, during 1999, the case load was divided equally, by blind draw, among the three judges (including the "phantom judge") who held hearings in five cities, i.e., Grand Rapids, Kalamazoo, Lansing, Traverse City, and Marquette, Michigan.

After Judge Hughes assumed his responsibilities, the bankruptcy judges determined to equally divide bankruptcy cases in a slightly different manner. Although all three judges will continue to hear the cases filed in Grand Rapids and Kalamazoo, Judge Stevenson will solely handle the Traverse City cases, Judge Gregg will solely handle the Marquette cases, and Judge Hughes will solely handle the Lansing cases. In two years, the judges will rotate their responsibilities for the Lansing, Traverse City, and Marquette cases.

Court Automation. The video conferencing link between Grand Rapids and Marquette, Michigan, continues to be a success. Approximately three times each year, hearings are held with the parties, their attorneys, and the courtroom bailiff present in Marquette, while the presiding judge is in Grand Rapids. This technology has been an important tool which allows attorneys and citizens in the upper peninsula of Michigan to attend court hearings that are held on an emergency basis, or more than the one time each month when court is regularly held in Marquette. The United States Trustee and panel trustees have also used the video conferencing system to appear at Section 341 meetings, without the necessity to physically travel to Marquette.

Our court continues to use the Automatic Case Opening Program, commonly called "AutoCop." During 1999, we upgraded the system, in conjunction with the local office of the United States Trustee, so all chapter 7 trustees would automatically be appointed and the scheduling of chapter 7 § 341 meetings would occur at the time the initial bankruptcy petition is processed. This has allowed our clerk's staff to more efficiently and timely process newly-filed chapter 7 cases.

Our court is one of the ten "early implementation" bankruptcy

courts that will utilize the Financial Accounting System for Tomorrow, "FAST". In January 2000, we were certified as being in the "ready state" and it is anticipated this system will be implemented and operational in May, 2000. FAST will initially assist our court clerk and financial officer in preparing purchase orders, processing payables (vouchers), and monitoring different areas of our budget. We believe this system will ultimately increase our efficiency and planning capabilities.

In late 1998, the court decided to investigate the possibility of using document imaging to permit persons to electronically review pleadings and papers filed with the court. After study, the court decided to utilize a system developed by Wade Systems, LLC. The court purchased and installed the necessary equipment, including scanners and PC's, during July, 1999. Testing of the system occurred during August through December, 1999.

In January, 2000, we began imaging all schedules, claims, and pleadings filed in chapter 7 and chapter 11 cases, whether the case was commenced in Grand Rapids or Marquette. All pleadings and papers filed since January 19, 2000, are now available for review by court personnel by utilizing a PC connected to the DCN, using the Remote Access to Court Electronic Records, "RACER".

The document imaging and RACER system is now operational. The court, including judges and all staff, has the capability of finding information in pending cases and adversary proceedings by reference to the case name, the case number, a party's name, a social security number, an employer's identification number, etc. Specific pleadings and papers filed can be quickly viewed on a computer screen, and printed when necessary. Accessibility to pleadings is greatly increased, especially at the satellite court locations in Kalamazoo, Lansing and Traverse City.

Our court encountered no Y2K problems. Our court clerk and members of our automation department worked over the New Year's weekend to monitor the millennium changeover. We also encountered no problems on the February 29, 2000, leap-year day.

Space and Facilities. Judge Robert Holmes Bell, on behalf of the district court, and Judge Gregg, on behalf of the bankruptcy court, together with the respective court clerks, have been meeting on a regular basis to mutually discuss space and facilities needs. Both the district court and bankruptcy court have significant future space needs, especially in Grand Rapids. The district court has temporarily released some space to the bankruptcy court as a short-term solution to ease the over-

crowding of the bankruptcy clerk's staff. We are hopeful that new space may become available in the Gerald R. Ford Federal Building within the next year or that some other alternative solution is achieved to solve the court's continuing space problem.

The proposed bankruptcy courtroom remodeling in Lansing, Michigan, is still under consideration. In 1999, as had occurred in 1998, the bankruptcy court dedicated funds from its budget toward commencement of this project. We now have set aside, from local funds, more than one-half of the amount necessary to fully renovate the substandard Lansing satellite courtroom and chambers space. We have requested that the Sixth Circuit Court of Appeals grant necessary supplemental funds so we may commence and complete this important project.

Respectfully submitted,
James D. Gregg, Chief
United States Bankruptcy Judge



**UNITED STATES BANKRUPTCY
COURT
NORTHERN DISTRICT OF OHIO**

ANNUAL REPORT

The Honorable Pat E. Morgenstern-Clarren was appointed to serve on the Bankruptcy Appellate Panel (BAP) for the Sixth Circuit on January 1, 1999. She will serve on the Panel through December 2003.

The Sixth Circuit Court of Appeals reappointed the Honorable William T. Bodoh and the Honorable Randolph Baxter to fourteen year terms commencing June 10, 1999 and December 16, 1999, respectively.

The Honorable Randolph Baxter served as a visiting judge in the Southern District of Florida.

The Honorable James H. Williams extended his service in recalled status through April 2000. Judge Williams will have completed more than 28 years of distinguished service on the bench. The Honorable Harold F. White was approved to continue recall status through February 2, 2001. Judge White was initially appointed on May 1, 1958.

The Honorable Richard L. Speer, Chief Judge, was appointed to a second two-year term on July 1, 1999 as Chief Judge by the United States District Court for the Northern District of Ohio.

The Northern District of Ohio experienced a 2% filing decrease in calendar year 1999 compared to 1998 with a total of 27,679 cases. The breakdown of filings by chapter includes 81% Chapter 7's and 18.5% Chapter 13 cases. Cases filed under Chapters 11 and 12 accounted for less than 1% of total filings for the year.

The Clerk's Office staff experienced a 7% increase in staff, operating with 95 staff members by the close of 1999. The increase was driven, in large measure, by our success in recruiting for and filling key automation positions. We continue to maintain a compact distribution of personnel, operating at a staffing level well below that of workload formula.

The training that we made available to our employees in 1999 provided opportunities for job skills enhancement and educational upgrades. Training forums and delivery included traditional as well as technologically advanced methods, such as on site classroom training, seminars and courses sponsored by external vendors and educational institutions and long distance training. During this reporting year, we increased the amount of internally developed training, promoted the Federal Judicial Television Network program broadcasts as an exciting alternative to traditional training and continued with the popular Tuition Assistance Program, now in its fifth

year. Our employees completed close to 2000 training hours under the categories of automation/computer skills, Bankruptcy application, technical workplace skills, communication/interpersonal skills, organizational policies and procedures, management/supervisor skills and benefits awareness.

Several of our judges participated in various CLE programs, including the Third Annual White-Williams Institute in May 1999 and the William J. O'Neill Bankruptcy and Commercial Law Institute in December 1999.

Our Y2K Committee allowed us to enter into the year 2000 by testing all computers, file servers, telephone systems, fax machines, routers, software, financial systems, and docketing capabilities. These testing procedures were ongoing through much of the 1999 calendar year and resulted in a seamless entry into the new millennium.

Videoconferencing systems were purchased and installed in all five court locations. The system is from CCC Communications of New York and allows both point-to-point conferencing as well as multi-point conferences via a videoconferencing bridge. The systems will be useful in reducing judicial and key staff travel for face-to-face meetings.

All staff have now been upgraded to 400 MHz Pentium II computers. The added horsepower will be especially beneficial when ECF arrives. The additional memory and speed will allow for the use of desktop scanners to image documents not otherwise entered into the docketing program electronically.

We continue to prepare ourselves for the implementation of the new Case Management/ Electronic Case Filing (CM/ECF) product having visited two prototype Bankruptcy Courts already managing electronic files via the Internet. Chambers have also been upgraded to 400 MHz Pentium II computers to allow for the efficient management of electronic case files. All Bankruptcy Judges and most of the Clerk's Office staff have joined in the planning phases required to implement ECF. Planning thus far has helped us to identify how we will manage electronic signatures, fees, training internal and external users and access through the Internet. It is hoped that ECF will be implemented in the latter part of FY 2000.

Our Strategic Planning efforts, which commenced in February 1997, continued throughout 1999 which included an April 30th meeting designed to review our efforts and strategies. We infused new life and direction into these efforts with the assistance of eighteen bankruptcy practitioners who joined us. Emphasis is being placed on

education and communication with the practicing bar.

We announce the loss of a great friend and colleague. The Honorable William J. O'Neill who graced our bench with his presence for more than 34 years retired in 1995. Judge O'Neill passed away January 12, 2000. His wit, humor and outward friendliness to all who met his acquaintance will always be remembered. We close in his memory.

Hon. Richard L. Speer,
Chief Judge



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

ANNUAL REPORT

Although it now seems like much ado about nothing, the *Bankruptcy Court for the Southern District of Ohio* breathed a collective sigh of relief as it electronically eased past the Y2K bug (and any latent larvae) and emerged cyber-successfully into the year 2000.

A complete audit of the *Court's* financial operations was conducted from June 22 through June 25, 1999, by Administrative Office contract auditors, under the authority of the Judicial Conference of the United States. The auditors found no material weaknesses and no instances of noncompliance with the Guide to Judicial Policies and Procedures. The auditors, in their exit interview, commended the court for maintaining clean and accurate records.

The Administrative Office's statistics for the period ending September 30, 1999 indicate that, in the total number of cases filed (26,544), the *Court* ranks 13th among the Nation's 94 bankruptcy districts and 2nd among the Circuit's 9 bankruptcy districts.

The *Court* is able to respond to this large caseload's demands as a result of the combined efforts of the capable personnel in the Clerk's



*Hon. Thomas F. Waldron
Chief Judge*

office, staffed at 65.2% of formula, under the leadership of the *Court's* clerk, Michael D. Webb, and the dedicated service of Judges Thomas F. Waldron (Chief), John E. Hoffman, Jr., and William A. Clark (Recall) – Dayton; Barbara J. Sellers, Charles M. Caldwell, and Donald E. Calhoun, Jr., (Recall) – Columbus; and J. Vincent Aug, Jr., Jeffery P. Hopkins, and Burton Perlman (Recall) – Cincinnati.

Special recognition is due Recall Judges Perlman, Clark, and Calhoun, who, by participating fully in the *Court's* proceedings and administration, render service far beyond any Recall requirements to the *Court* (and other bankruptcy courts in the Circuit). Special recognition is also due Judge Aug, who, in addition to his *Court* duties, serves as a member of the Circuit's Bankruptcy Appellate Panel. The *Court* is honored to have as its newest member Judge John E. Hoffman, Jr., who was appointed February 25, 2000. The *Court*

continues to have one authorized judgeship which has not been filled.

The *Court*, through its Information and Technology Department staff and Director, Derrick R. Bolen, has continued and augmented its efforts to establish a solid infrastructure and Clerk's office personnel trained to meet the requirements of the Administrative Office's proposed new Case Management (CM) system, including an Electronic Case Filing (ECF) component, when the time is appropriate. Additionally, the *Court* is in the process of receiving the results of an extensive district-wide survey among attorneys, paralegals, secretaries, creditor organizations, governmental entities, panel and standing trustees, court runners, and others. The survey, conducted by the University of Dayton's Center for Business and Economic Research, will provide valuable information to assist in future information and technology planning and implementation involving all entities who come in contact with the *Court*.

Respectfully submitted,
Thomas F. Waldron
Chief Judge



*UNITED STATES BANKRUPTCY
COURT
EASTERN DISTRICT OF
TENNESSEE*

ANNUAL REPORT

Case Filings. Filings continue to remain at high levels although they were down from the previous year. Total bankruptcy filings for the Eastern District of Tennessee during 1999 was 14,942. The following is a break down by chapter:

Chapter 7	8,696
Chapter 11	44
Chapter 12	9
Chapter 13	7,235

Personnel. Service citation pins were awarded to 14 employees for a total of 200 years time equivalent with the court and clerk's office. The district enjoys a very low rate of personnel turnover.

Video Conferencing. Sony Tricom 5100 and Sony Contact systems now connect all divisional offices. They can also be preprogrammed for other remote locations including other courts and the Administrative Office. By meeting international standards, they are compatible with other systems such as VTEL, Picturatel, and PolyCom.

Automation. The Integrated Case Management System received 17 upgrades. The systems staff conducted the upgrades over a 15



*Hon. Richard S. Stair, Jr.
Chief Judge*

weekend period thereby providing uninterrupted service for our users.

The automation staff archived more than 17,500 cases last year. Presently, a library of more than 120,000 is maintained.

Pacer has been updated so that users can receive live Bancap information. Our enhanced Pacer and Internet site now includes automated postings of 341 meetings, dismissal, and motion calendars.

The Voice Case Information System continues to grow in popularity with more than 8,500 calls per month being logged.

The BNC and BNCFIN have been enhanced so that end-of-day processing requires no manual entries. Each divisional office can confirm their own daily activity.

Y2K testing and patches were made to national and local programs, which accounted for many hours of

reviewing and coding programs. As a result, a trouble-free transition was made into year 2000.

Network Systems and Applications. Our Network Administrator led us in converting small Novell 3.12 servers to new Compaq 3000 servers with Novell 5.0. By doing so we made a major leap in going from a non-Y2K system to an enterprise network. The topology of one tree in our configuration of the Novell system allows us to manage remote sites as if they are local in nature. Advanced features such as DNS, NDPS, and DHCP allow us to make better connections to the DCN, printers, and workstations. Arcserve Enterprise Backup has been installed allowing us to monitor and do backups from our central office.

System staff received training and a MSCE certification on Windows NT. A Windows NT server with Windows Backoffice which contains a suite of NT server applications was installed. The IIS package was also installed so that we can use the NT server for an Intranet server. Opinion retrieval using ISYS has been upgraded from maintaining an Opinions database at each of our divisional office servers to a centralized WEB-ISYS database on our NT server.

We have created an Internet web site that includes basic information. In addition to the basic information, an automated system

was created which provides up to date docket calendars for the general public.

Our Ethernet system has been upgraded to run at 100mps from 10mps.

We are in the process of converting our workstation environment from Windows 95 to Windows NT.

A Kiosk system was installed in one of the divisional offices. It provides calendar information for both the District and the Bankruptcy Court. Using a network connection it pulls information from the ICMS servers and Novell servers using a FTP process periodically during the day.



*UNITED STATES BANKRUPTCY
COURT
MIDDLE DISTRICT OF
TENNESSEE*

ANNUAL REPORT

On December 21, 1999, Marian F. Harrison was sworn in as our new bankruptcy judge replacing now district judge Aleta Trauger. Needless to say, it came as a welcome relief to her colleagues and Judge Tom Stinnett of the Eastern District of Tennessee at Chattanooga who had been doing yeoperson service during the 13-month vacancy.

Judge Stinnett's service, both in the Nashville and Cookeville Division, was celebrated on November 5, 1999, by the presentation of an enlarged photograph of him as an eight-year old bat boy for a local semi-pro baseball team. This was done at the Mid-South Bankruptcy Law Institute attended by numerous Middle and Western District bankruptcy lawyers.

Judge Harrison's ceremony was presided over by Circuit Judges Gil Merritt and Cissy Daughtrey and Chief District and Bankruptcy Judges Robert Echols and George Paine. A host of Judge Harrison's new federal colleagues attended as did a courtroom full of her family, law partners, and fellow practitioners. Afterwards a reception was held in the chambers of Judges Daughtrey and Merritt at the Customs House.



Hon. George C. Paine, II
Chief Judge

Judge Harrison's ascendancy to the bench was particularly appreciated because of the continuation of two mega-cases filed in this district. Both are proceeding remarkably well and the local judges are supremely grateful for all of the support from the circuit in recognition of the burden of the vacancy and the mega-cases.



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

ANNUAL REPORT

During CY 1999, the Bankruptcy Court for the Western District of Tennessee received 20,453 new case filings as compared to 22,794 new case filings in CY 1998. This change represents a decrease of 10.3 percent. Chapter 13 case filings decreased by 11 percent to reach a total of 14,935 case filings. Chapter 13 case filings represent approximately 73 percent of this district's raw case filings. This figure of 73 percent has remained rather constant over the past two years.

A decrease of 11 percent in chapter 7 case filings resulted in CY 1999 for a total filing of 5,326 chapter 7 cases. Total filings under chapter 11 increased by 273 percent to a district record of 190 chapter 11 cases. This record was due to the filing of 128 related chapter 11 cases. This district also received 1,543 adversary proceedings for CY 1999 while closing 1,491 adversary proceedings during the year. This left the district with 535 adversary proceedings pending at the end of CY 1999. During CY 1999 the court closed a total of 21,344 cases, representing 395 less case closings (1.8 percent) than the previous year.

Please see the attached statistical charts.

During CY 1999, the Bankruptcy Court Clerk's Office was able to relocate the Intake Department, Records Department and Administrative Services Department into expansion space which was acquired over the past two years. The space has enabled the Clerk's Office to serve the public better by providing more space to the public as well as allowing for the efficient flow of new work into the Intake Department.

The Administrative Services Department of the Clerk's Office has been consolidated and relocated into new space which provides easier internal communication as well as a new training facility which can accommodate nearly fifty persons. The training facility is equipped with a satellite down link feed, video conferencing equipment, video and audio recording equipment and automated broadcasting capabilities.

A number of training and educational seminars for legal personnel were conducted by the Clerk's Office during CY 1999 in both the Eastern and Western Division Offices. Four seminars were directed towards paralegals and legal secretaries to better acquaint them with the evolving practices and procedures of the court and to foster communications. Additionally, two seminars were conducted for attor-



*Hon. David S. Kennedy
Chief Judge*

neys and their staffs to highlight the numerous technological advances that the Clerk's Office has made and plans to make in the future that will change the way that our offices interact. It is hoped that through a continuous and open dialog, that automated changes will be viewed as positive process rather than a burden.

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

SYSTEMS DEPARTMENT ACTIVITIES

COURT OPERATIONS

Bankruptcy Noticing Center (BNC). One of the most significant accomplishments during the last year is the Clerk's Office new use of the BNC to lower costs on all outgoing

§341 meeting, discharge and closing notices. This will enable the Clerk's Office to maintain levels of service with the threat of lower budget allocations on the horizon, by taking advantage of current and future services of the BNC such as electronic bankruptcy noticing and fax/email noticing.

Y2k updates. A great deal of the last six months of CY 1999 was consumed by ensuring that the myriad of court computer systems had Y2k patches installed. For the most part, this meant installing and testing new releases of software, but significant effort was put forth in successfully changing old locally written applications to ensure Y2k compatibility.

Limited office-wide internet access. Many courts have general internet access available to all or most of their staff. With the rising bandwidth demands, the potential for saturation of circuit-wide WAN lines is always present. This high level of use dictates that unnecessary traffic be held to a minimum. To that end, the systems' staff installed and configured SurfWatch® software in combination with Microsoft Proxy Server to secure access for all staff members to *necessary internet sites only.*

Phone system installation. The Clerk's Office in Memphis was previously using an aged telephone

system which was no longer expandable. A Nortel Meridian system was installed which gives the office much greater flexibility in terms of configuration of user menus on incoming calls, caller ID and complete, built-in voice mail capability for all users.

Intranet. The Systems Department fielded the COBWEB (Court Operations and Bankruptcy WEB) site in CY 1999. This site is now the central repository for a great deal of information that was formerly available in many disparate locations, such as standard and local forms, informational documents, help documents and personnel related forms.

Case assignment module at intake. The Clerk's Office installed a module which runs in Unix, providing blind random judge assignment for bankruptcy cases in lieu of older manual based systems.

Bankruptcy fees program. An older, DOS based program had been in use which kept records of bankruptcy fees. The new program makes the fees available not only to all staff members, but centralizes it within the new Clerk's Office intranet page for easy and convenient lookup.

Case administrator statistics. Formerly, case administrators manually tracked the processing totals of many types of documents;

and at the end of the week, manually tabulated the totals and turned in typewritten reports to their workleaders who, in turn, submitted their own totals for their particular workgroup to the department supervisor(s). Now, a new program allows the case administrators to tally their totals daily and automatically forward the totals to workleaders at the end of the week and automatically collate the totals for automated processing to the supervisor(s).

PUBLIC ACCESS

Public display screens. Large gas-plasma monitors were installed outside of the courtrooms in common areas which provide the ability for the public and members of the bar to see information on bankruptcy cases about to be heard, providing, among other things, easy access to information as to when/where a particular proceeding would be heard on a given day.

Court calendars on the internet. The public, practicing attorneys and other interested parties now have the ability to view the court's calendar settings on the internet. This court's calendar was the first one in the nation to provide the ability for someone to enter the web site and ask to see matters relating only to a specific attorney, judge and a particular day (or range of days). This has resulted in many attorneys using this site on a daily basis to

assist them in better tracking when to be in court for particular matters.

Opinions on the internet. Any interested entity may now enter the bankruptcy court's worldwide web site to check for complete text of judges' opinions, both published and non-published. This index is complete for all opinions issued by the bankruptcy judges in this district as far back as 1995 and contains substantial records and text of opinions dating back as far as 1988. Opinions were all OCR scanned for index purposes and either original paper copies imaged or PC created files converted for web display. This allows practitioners and members of the public to search the opinion file by keyword for easy retrieval.

Specialized high-profile case information. From time to time, in any district, high profile cases create a multitude of problems for the court as well as the debtor in the area of case administration. To allow greater unhindered access to information in an easily accessible format, one such high profile Chapter 11 case (Meridian Corporation) was given a prominent page on our intranet site to disseminate information such as dates and times of important hearings, announcements and creditor lists. Additionally, all docket entries from the ICMS case management system for this particular group of related cases are transferred to the web site on a nightly basis and specific, high

interest items are image scanned into PDF format for inclusion into the Meridian page, obviating the need (and expense) for court staff to copy and distribute documents to the public for this limited and special group of items.

SYSTEM ADMINISTRATION

Remote access for staff use. Access for the systems and management staff to cc:mail, intranet and case management systems was significantly expanded last year, providing the ability for multiple off-site staff (up to 8) to dial in from remote locations.

Netware 5 installation. Last year, all file servers in this district were upgraded to Novell Netware, Version 5. This, among other things, assists the systems staff in maintaining multiple replicated databases within the district, which concomitantly cuts down on interoffice data bandwidth requirements as well as offering new performance advantages to all users of the system.

ZENWorks. Novell's ZENWorks utility software is now in use throughout this district which assists automation staff with maintaining consistent user interfaces and programs among most PC's in both divisional offices. Now, if a new software program needs to be installed, it is simply "pushed" out to

the necessary users at network login time for installation on their local PC.

Gigabit fiber backbone. One component that will provide many future benefits is the move to a fiber optic backbone between all switch level network components. All switches are now fed by gigabit speed fiber backbone cabling which will allow us to more easily upgrade to streaming video on necessary desktops in the future and also provide for greater conventional data handing capability in the present.

High capacity user data backups. Individual users now have the ability to use a personal, high-capacity backup device to assist them in more speedy retrieval of saved files should that become necessary. This has enabled the systems staff to offload some of the file backup routines for less critical data onto individual users, thus freeing up valuable nighttime resources for other necessary processes.





STATISTICAL TABLES
OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF TENNESSEE

UNITED STATES BANKRUPTCY COURT
Western District of Tennessee

PETITIONS FILED FOR
Twelve Month Periods
BY DIVISION

Jan. 1, 1997 - Dec. 31, 1997			
	Memphis	Jackson	Total
Chapter 7	4,378	1,346	5,724
Chapter 9	-	1	1
Chapter 11	40	31	71
Chapter 12	2	2	4
Chapter 13	14,422	3,612	18,034
TOTAL	18,842	4,992	23,834

	% of Filings by Chap by Div		Chapter % of
	MEM	JAX	Total Filings
Chapter 7	76%	24%	24%
Chapter 9	0%	100%	0%
Chapter 11	56%	44%	0%
Chapter 12	50%	50%	0%
Chapter 13	80%	20%	76%
TOTAL	79%	21%	100%

Jan. 1, 1998 - Dec. 31, 1998			
	Memphis	Jackson	Total
Chapter 7	4,475	1,516	5,991
Chapter 9	-	-	-
Chapter 11	32	19	51
Chapter 12	-	3	3
Chapter 13	13,432	3,317	16,749
TOTAL	17,939	4,855	22,794

	% of Filings by Chap by Div		Chapter % of
	MEM	JAX	Total Filings
Chapter 7	75%	25%	26%
Chapter 9	0%	0%	0%
Chapter 11	63%	37%	0%
Chapter 12	0%	100%	0%
Chapter 13	80%	20%	73%
TOTAL	79%	21%	100%

Jan. 1, 1999 - Dec. 31, 1999			
	Memphis	Jackson	Total
Chapter 7	3,944	1,382	5,326
Chapter 9	-	-	-
Chapter 11	165	25	190
Chapter 12	-	2	2
Chapter 13	12,040	2,895	14,935
TOTAL	16,149	4,304	20,453

	% of Filings by Chap by Div		Chapter % of
	MEM	JAX	Total Filings
Chapter 7	74%	26%	26%
Chapter 9	0%	0%	0%
Chapter 11	87%	13%	1%
Chapter 12	0%	100%	0%
Chapter 13	81%	19%	73%
TOTAL	79%	21%	100%

1999 Over 1998			
	Memphis	Jackson	Total
Chapter 7	(531)	(134)	-11%
Chapter 9	-	-	0%
Chapter 11	133	6	273%
Chapter 12	-	(1)	-33%
Chapter 13	(1,392)	(422)	-11%
TOTAL	(1,790)	(551)	-10%

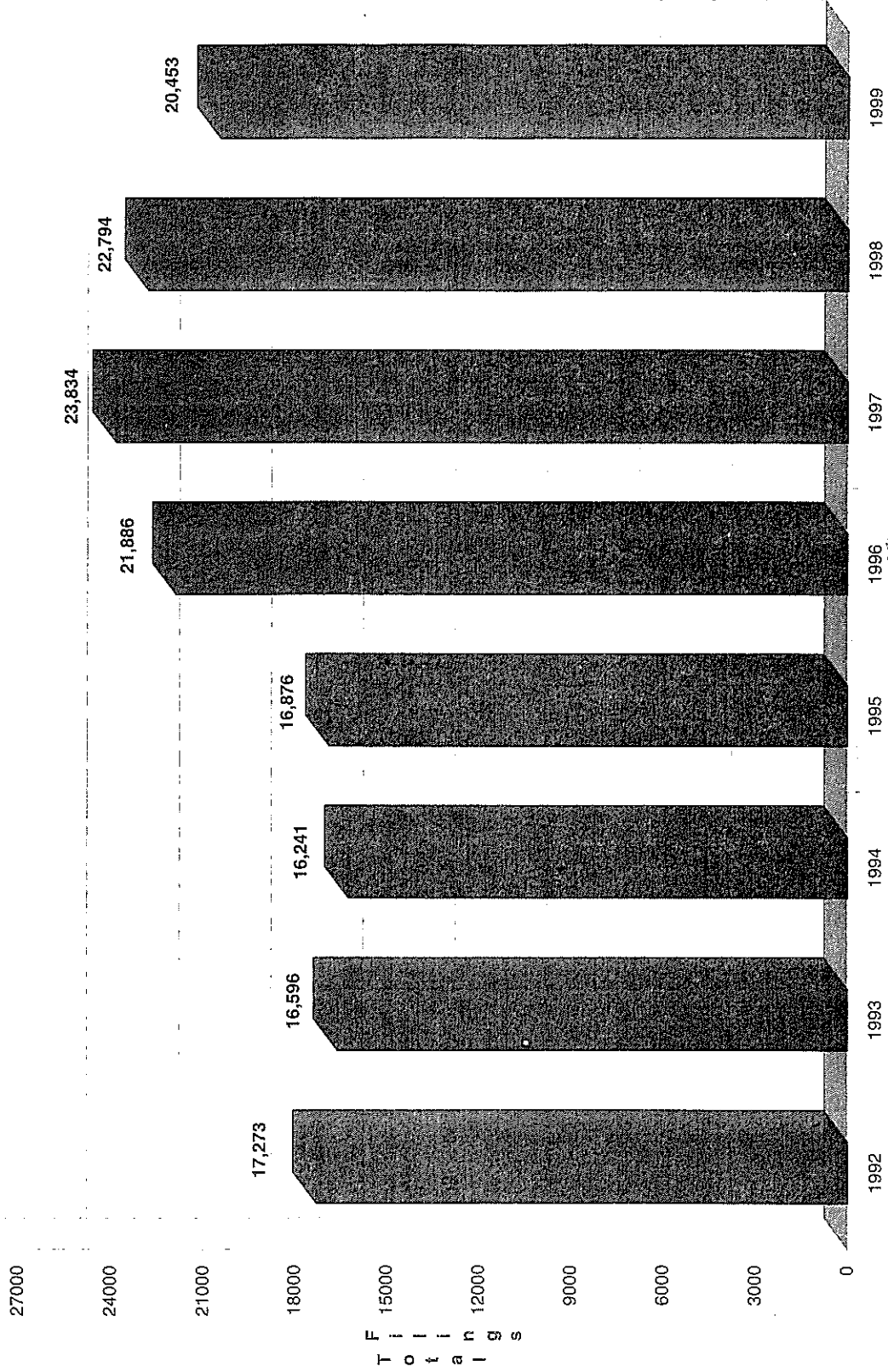
Overall Change
1998 to 1999
(Both Divisions)

-10.270%

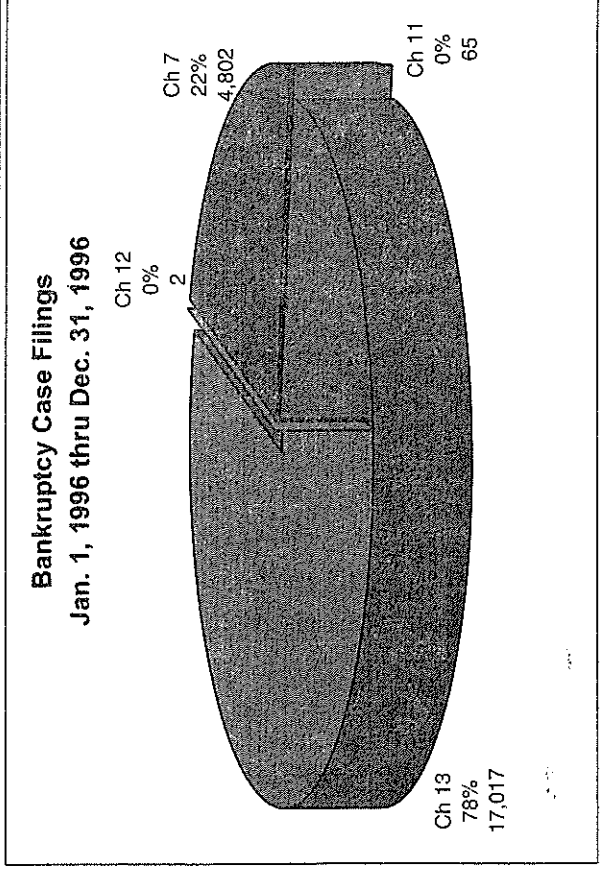
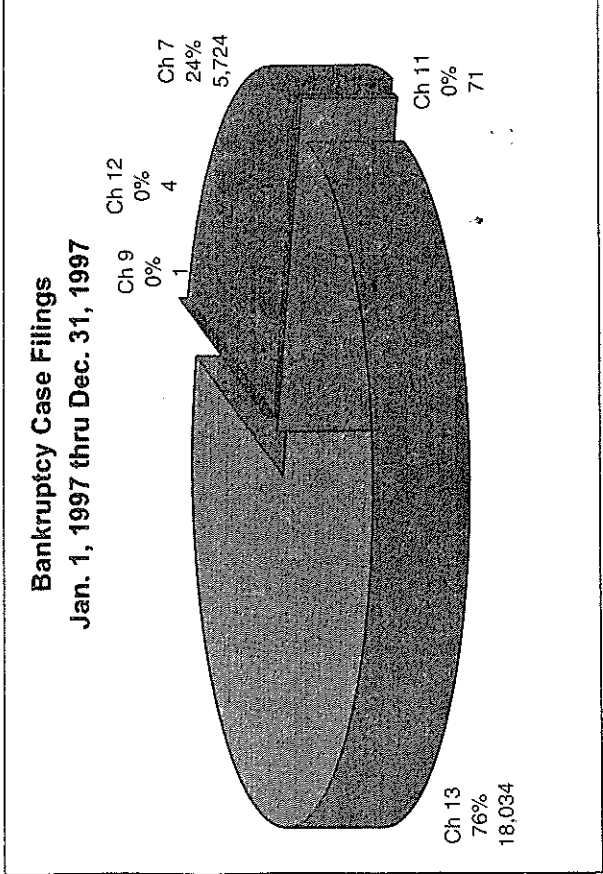
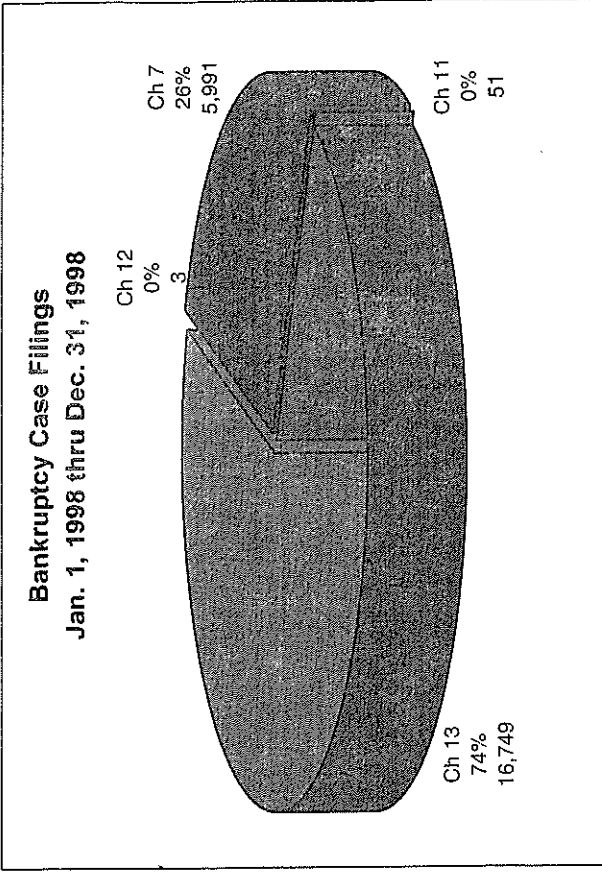
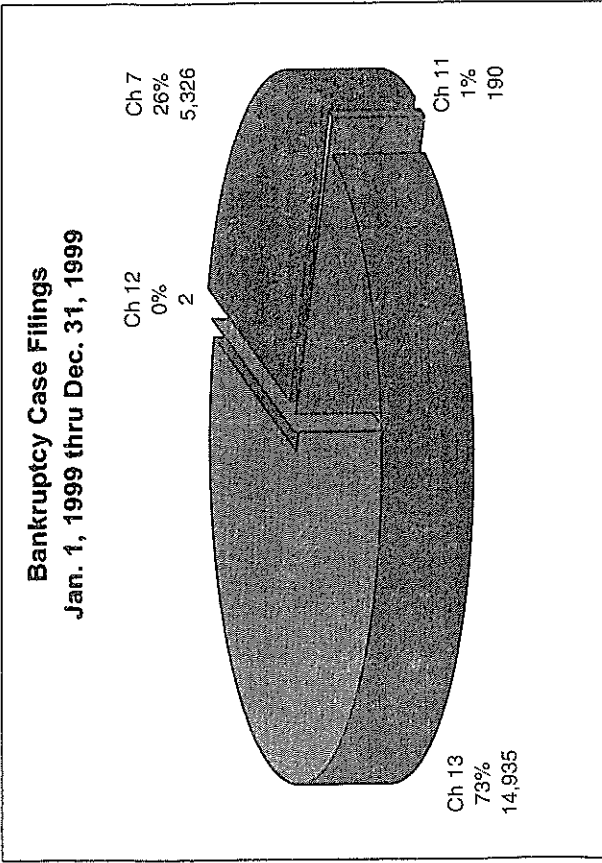
1999 Over 1998		
	Jackson	Total
Chapter 7	(134)	-8.84%
Chapter 9	-	0.00%
Chapter 11	6	31.58%
Chapter 12	(1)	-33.33%
Chapter 13	(422)	-12.72%
TOTAL	(551)	-11.35%

1999 Over 1998		
	Memphis	Total
Chapter 7	(531)	-11.87%
Chapter 9	-	0.00%
Chapter 11	133	415.63%
Chapter 12	-	0.00%
Chapter 13	(1,392)	-10.36%
TOTAL	(1,790)	-9.98%

**Total Filings For Western District By Year
Twelve Month Period Ending December 31, 1999
and Prior 12 and 24 Months**

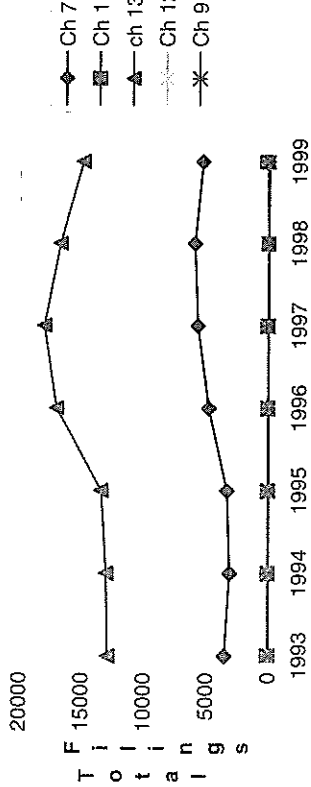


United States Bankruptcy Court
Western District of Tennessee

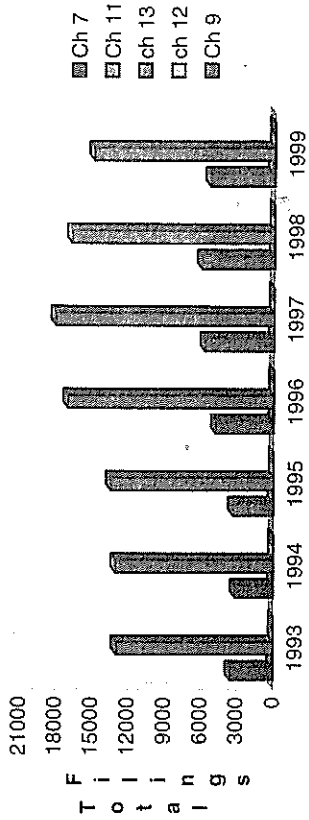


United States Bankruptcy Court
Western District of Tennessee

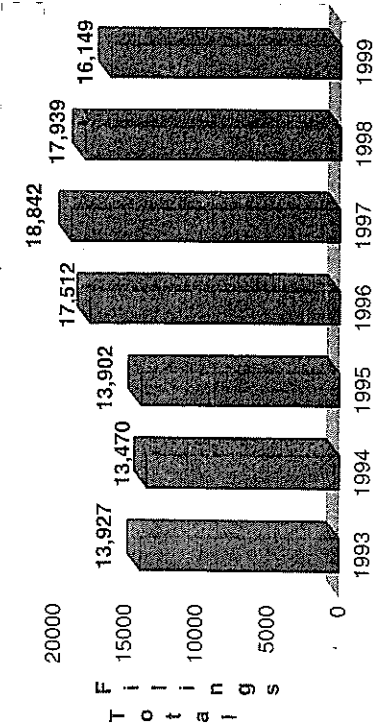
Bankruptcy Case Filings Six Year Comparison
(Twelve Month Period Ending
Dec. 31, 1999 and Prior 12 and 24 Months)



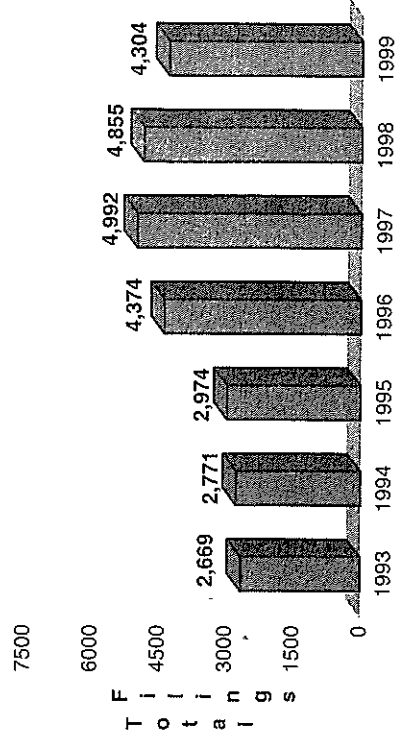
District Wide Total
By Chapter



Total Filings For Western Division
(Twelve Month Period Ending
Dec. 31, 1999 and Prior 12 and 24 Months)



Total Filings For Eastern Division
(Twelve Month Period Ending
Dec. 31, 1999 and Prior 12 and 24 Months)



UNITED STATES BANKRUPTCY COURT
Western District of Tennessee

PETITIONS CLOSED FOR
Twelve Month Periods
BY DIVISION

Jan. 1, 1997 - Dec. 31, 1997			
	Memphis	Jackson	Total
Chapter 7	5,133	1,416	6,549
Chapter 9	-	-	-
Chapter 11	42	33	75
Chapter 12	1	2	3
Chapter 13	11,474	2,779	14,253
TOTAL	16,650	4,230	20,880

	% of Closings by Chap by Div		Chapter % of
	MEM	JAX	Total Closings
Chapter 7	78%	22%	31%
Chapter 9	0%	0%	0%
Chapter 11	56%	44%	0%
Chapter 12	33%	67%	0%
Chapter 13	81%	19%	68%
TOTAL	80%	20%	100%

Jan. 1, 1998 - Dec. 31, 1998			
	Memphis	Jackson	Total
Chapter 7	5,436	1,847	7,283
Chapter 9	-	-	-
Chapter 11	32	31	63
Chapter 12	-	3	3
Chapter 13	11,704	2,686	14,390
TOTAL	17,172	4,567	21,739

	% of Closings by Chap by Div		Chapter % of
	MEM	JAX	Total Closings
Chapter 7	75%	25%	34%
Chapter 9	0%	0%	0%
Chapter 11	51%	49%	0%
Chapter 12	0%	100%	0%
Chapter 13	81%	19%	66%
TOTAL	79%	21%	100%

Jan. 1, 1999 - Dec. 31, 1999			
	Memphis	Jackson	Total
Chapter 7	4,999	1,755	6,754
Chapter 9	-	1	1
Chapter 11	23	25	48
Chapter 12	-	3	3
Chapter 13	11,757	2,781	14,538
TOTAL	16,779	4,565	21,344

	% of Closings by Chap by Div		Chapter % of
	MEM	JAX	Total Closings
Chapter 7	74%	26%	32%
Chapter 9	0%	100%	0%
Chapter 11	48%	52%	0%
Chapter 12	0%	100%	0%
Chapter 13	81%	19%	68%
TOTAL	79%	21%	100%

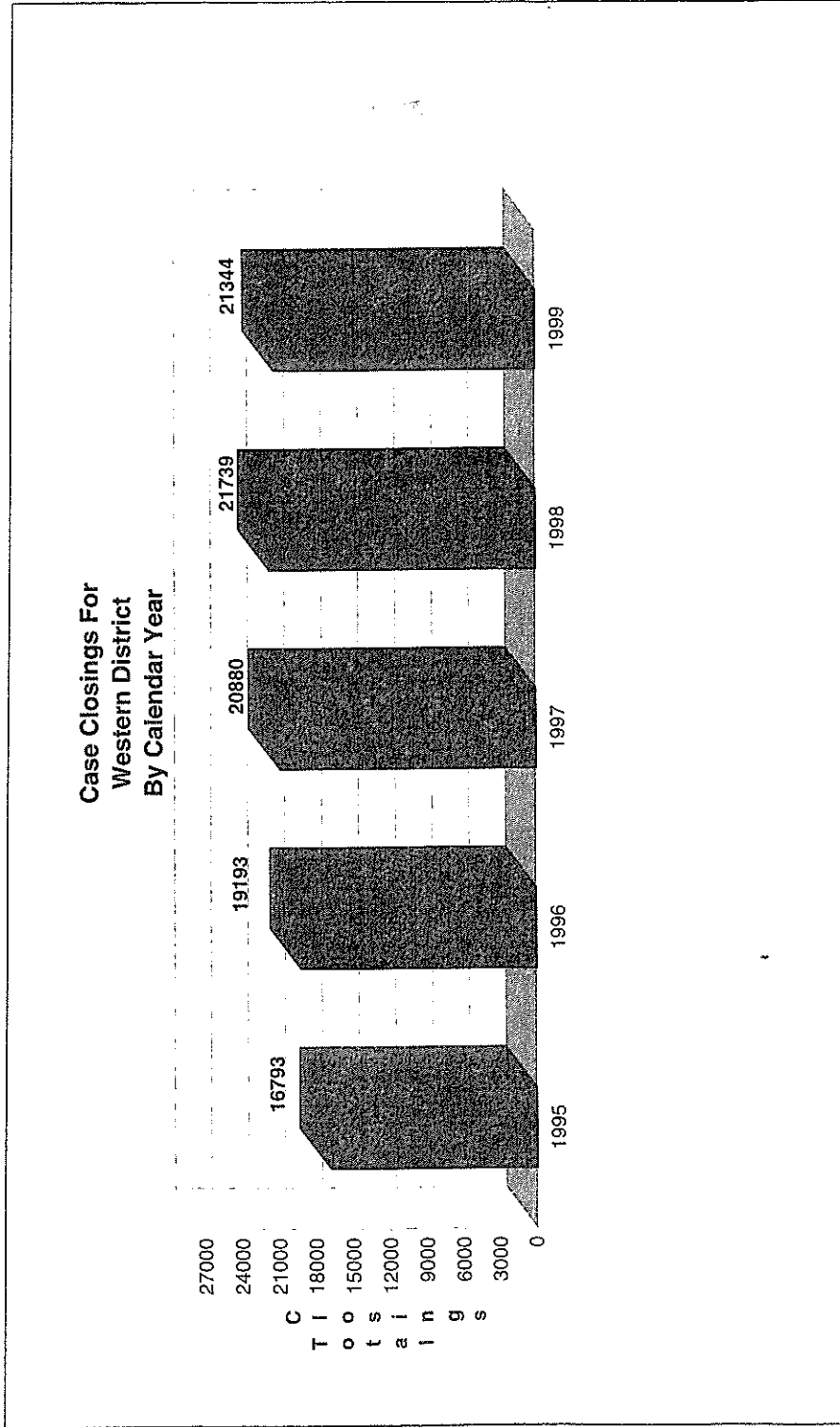
1999 Over 1998			
	Memphis	Jackson	Total
Chapter 7	(437)	(92)	-7%
Chapter 9	-	1	100%
Chapter 11	(9)	(6)	-24%
Chapter 12	-	-	0%
Chapter 13	53	95	1%
TOTAL	(393)	(2)	-2%

<p>Overall Change 1998 to 1999 (Both Divisions)</p> <p align="center">-1.817%</p>

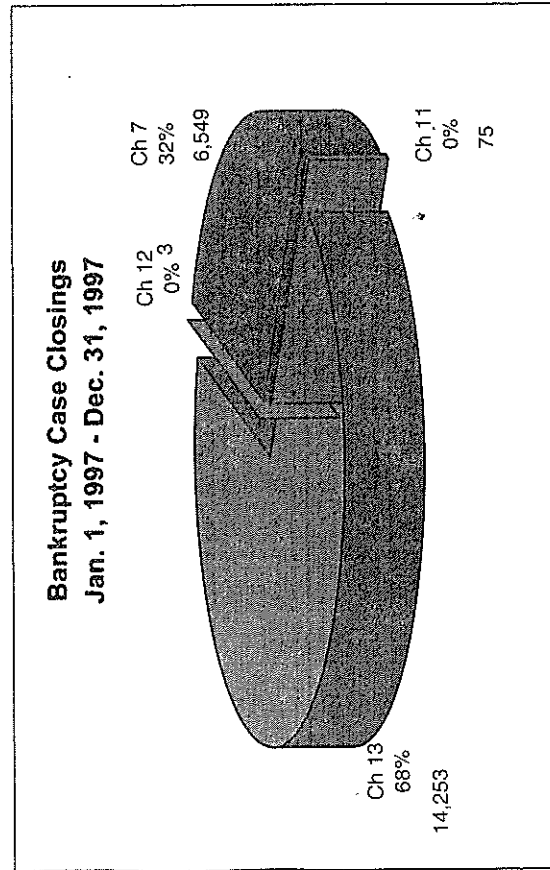
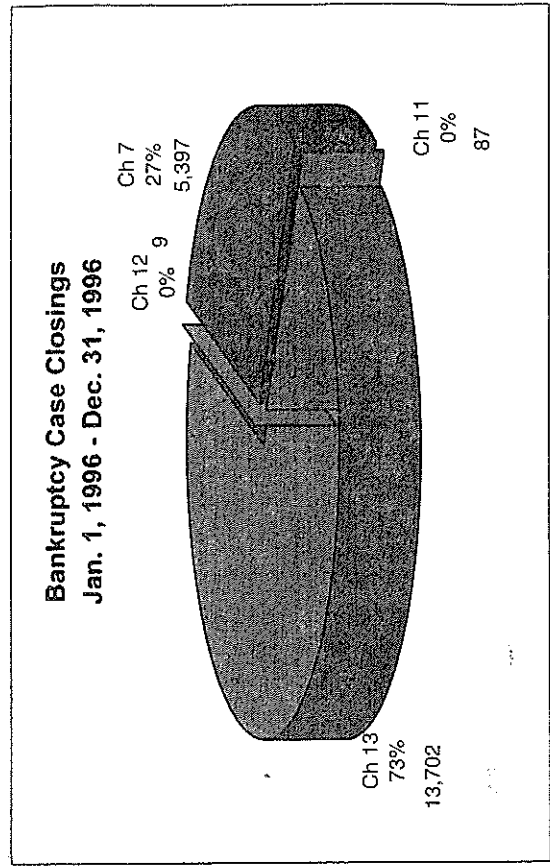
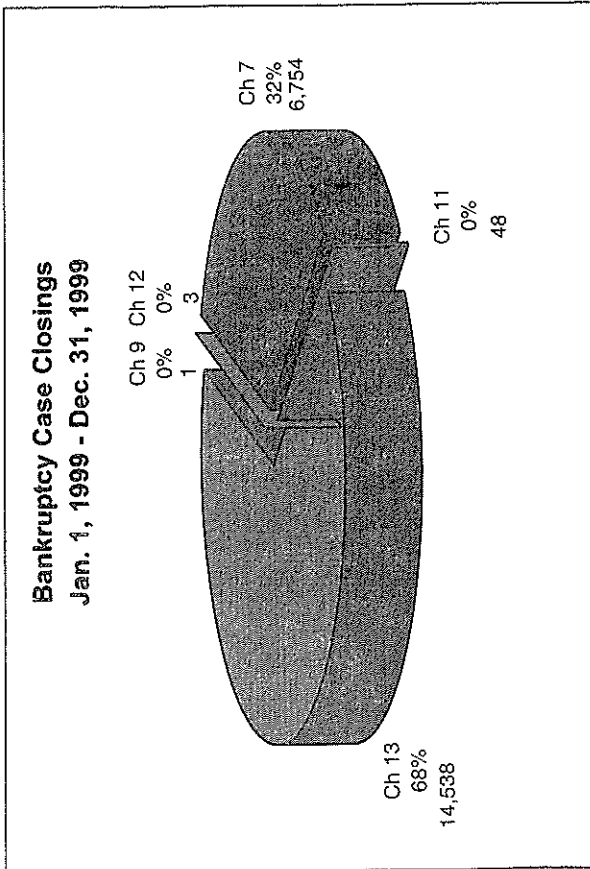
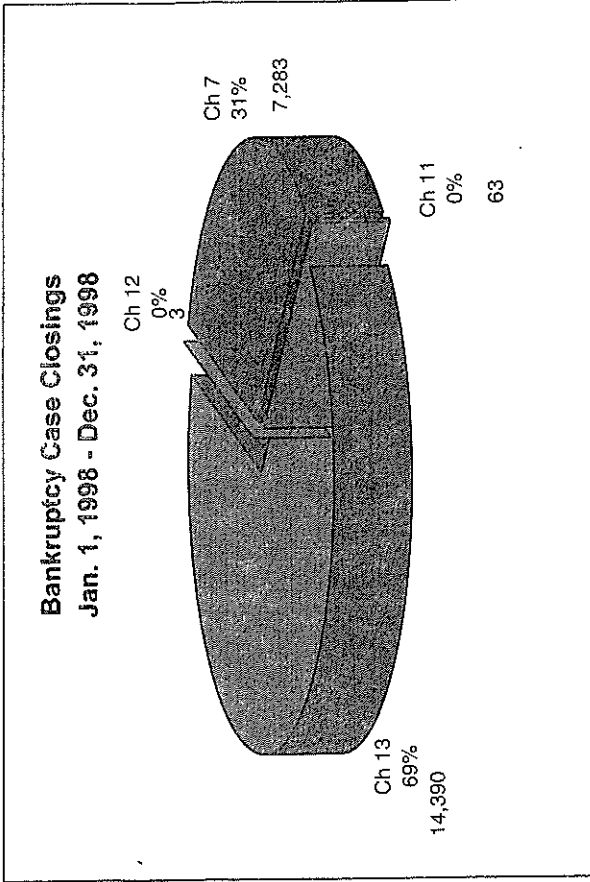
1999 Over 1998		
	Jackson	Total
Chapter 7	(92)	-4.98%
Chapter 9	1	100.00%
Chapter 11	(6)	-19.35%
Chapter 12	-	0.00%
Chapter 13	95	3.54%
TOTAL	(2)	-0.04%

1999 Over 1998		
	Memphis	Total
Chapter 7	(437)	-8.04%
Chapter 9	-	0.00%
Chapter 11	(9)	-28.13%
Chapter 12	-	0.00%
Chapter 13	53	0.45%
TOTAL	(393)	-2.29%

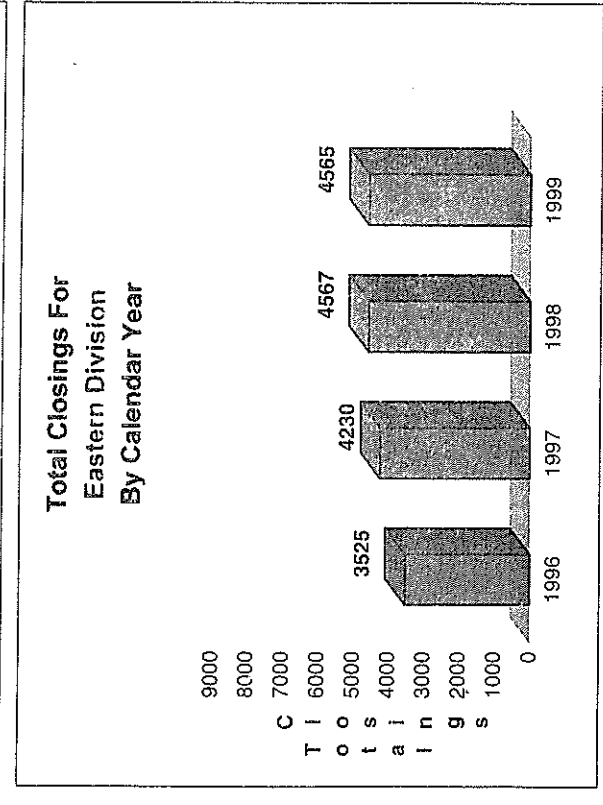
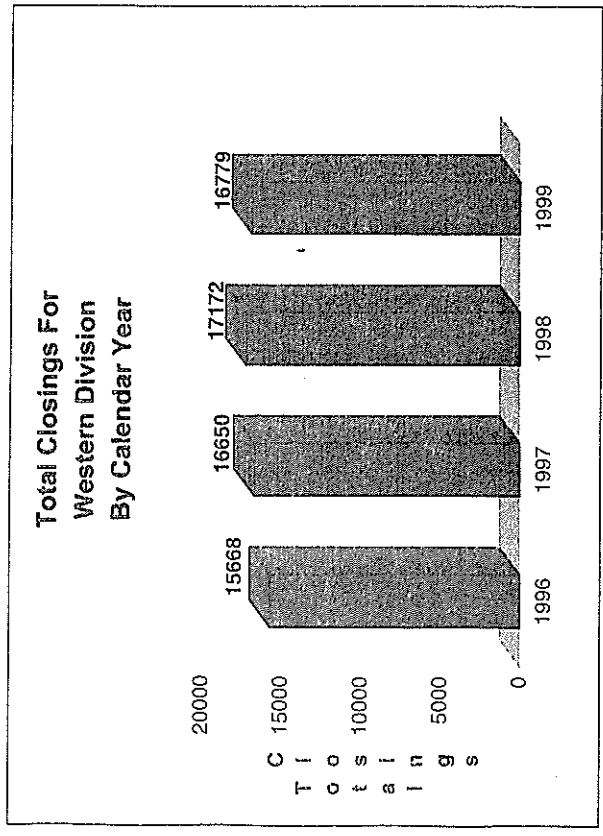
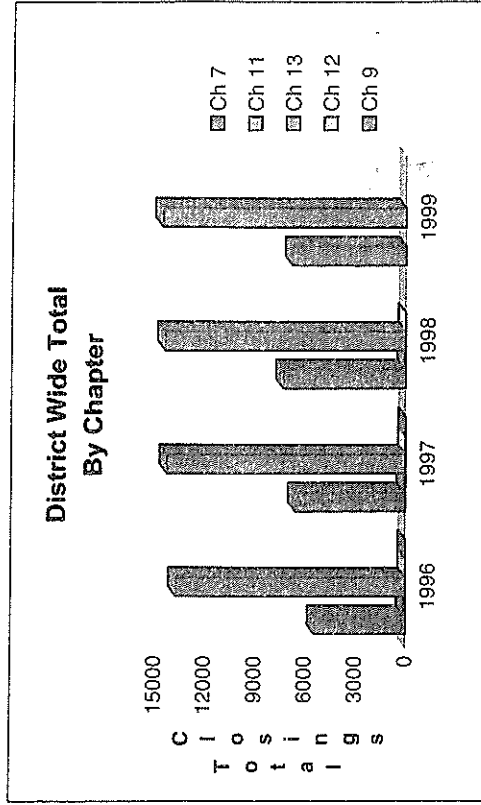
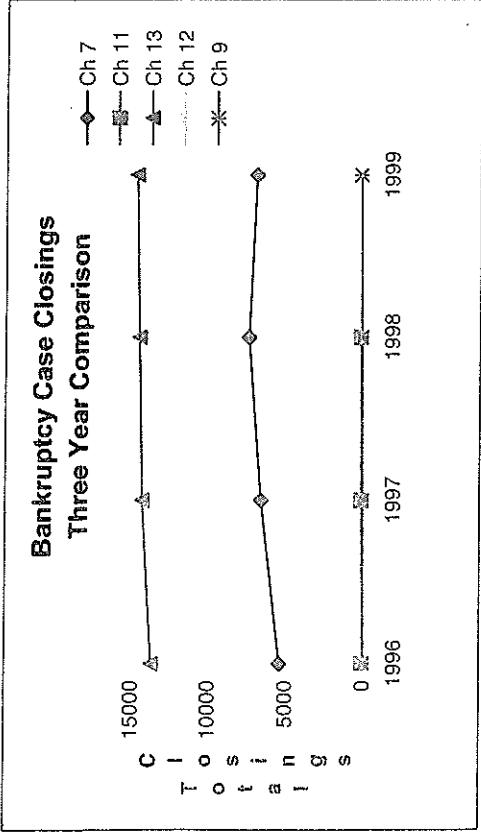
United States Bankruptcy Court
Western District of Tennessee



**United States Bankruptcy Court
Western District of Tennessee**

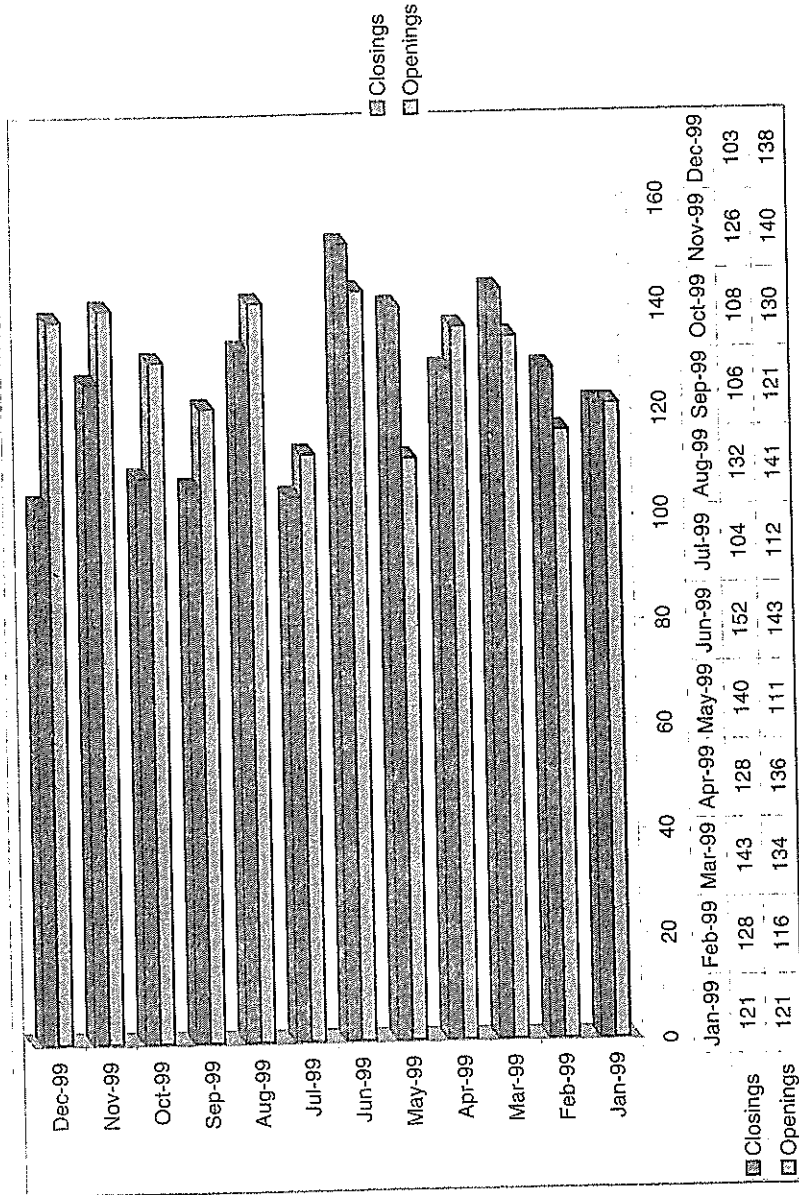


**United States Bankruptcy Court
Western District of Tennessee**



NOTE: Calendar Year consists of Jan. 1, 1999 thru Dec. 31, 1999, etc.

**ADVERSARY
OPENINGS AND
CLOSINGS
Jan. 1999 - Dec. 1999**

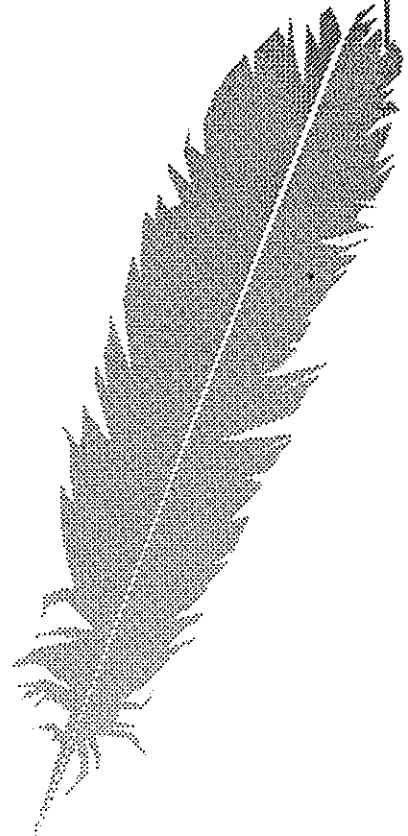


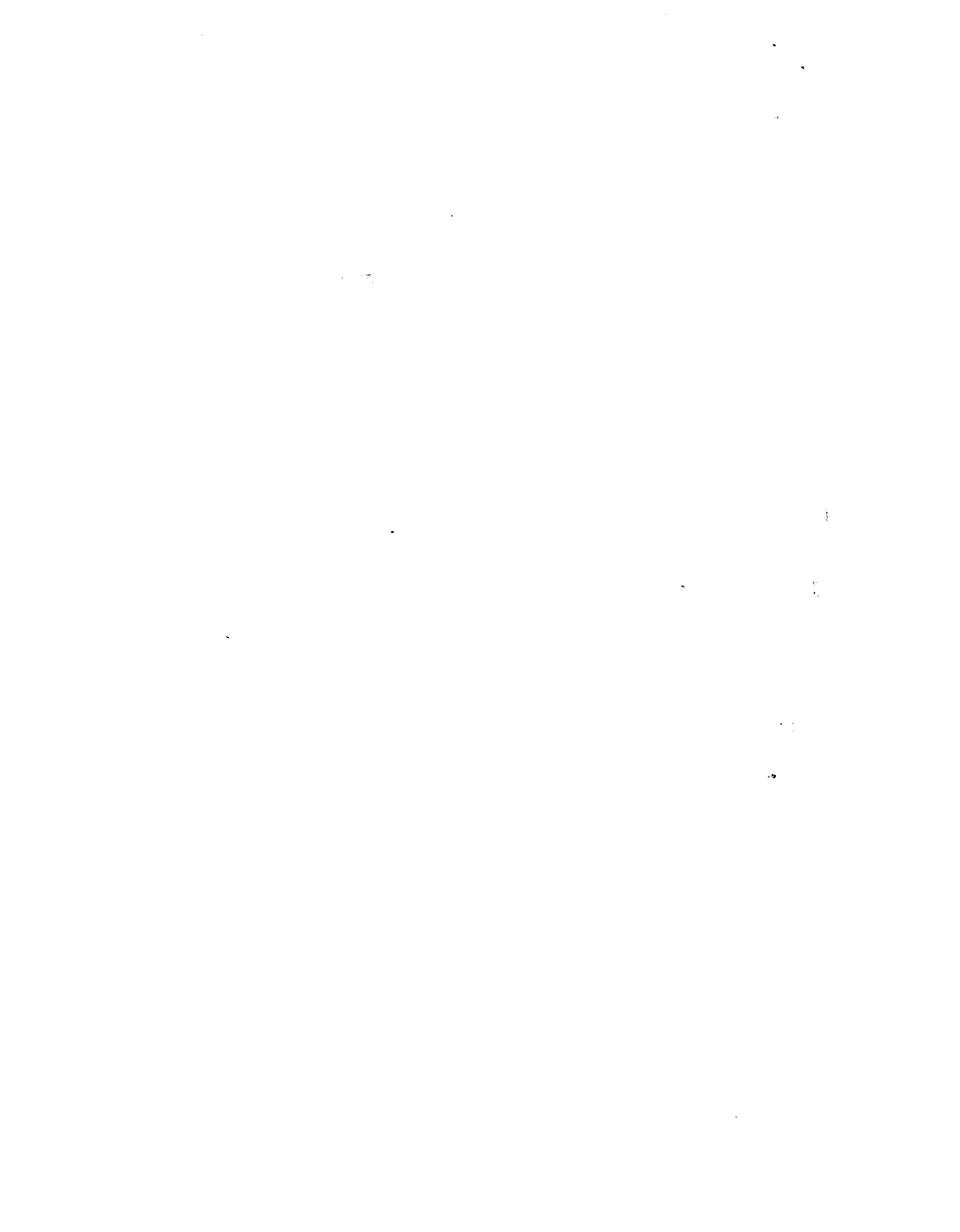
In Memoriam

Honorable Charles M. Allen

Honorable Bernard T. Moynahan, Jr.

Honorable Jerome Turner





MEMORIAL RESOLUTION
in Honor of
CHARLES MENGEL ALLEN
1916-2000

It is with great sadness and a profound sense of personal loss that we record this resolution in memory of Judge Charles Mengel Allen, who passed away in Louisville on January 4, 2000.

Judge Allen was born November 22, 1916, into a well-known Louisville family. He was educated in the Louisville public schools and at Woodberry Forest School in Virginia. A *cum laude* graduate of Yale University, he received his law degree from the University of Louisville School of Law in 1943. Not long after beginning private practice he met and married Betty Anne Cardwell. They remained devoted to one another for 41 years, raising a son and a daughter.

After twelve years of private practice, Judge Allen was appointed Assistant United States Attorney for the Western District of Kentucky in 1955. In 1961, he was elected Judge of the Jefferson Circuit Court, Chancery Branch. For ten years he served with distinction on the state bench, building a reputation for fairness and intelligence.

In 1971 President Richard Nixon nominated Judge Allen to the United States District Court in the Western District of Kentucky. He took the oath of office in December of that year. In 1977, he became Chief Judge of the district and served in that capacity until 1985. During his career, Judge Allen handled many important cases and added greatly to the reputation of his court. He was known for the clarity and wisdom of

his opinions. Judge Allen took senior status in 1985 and continued to hear cases for the next 15 years, his mere presence constantly reminding us of our noble calling.

Charlie was more than just our colleague on the bench. For some of us he was our friend of many decades. For others, when we were young lawyers, "Judge Allen" was the judge before whom we first appeared in state and federal court. We heard the older lawyers speak of his legendary patience, his intelligence, his compassion and his humility. Then we experienced it ourselves. As lawyers we respected his judgment and admired his character; as judges we have striven to emulate his integrity and dignity.

Not surprisingly he received many awards: both the Louisville Bar Association and the Kentucky Bar Association named him the Outstanding Judge of the Year; the University of Louisville honored him as its Outstanding Alumnus in 1984; the University of Louisville School of Law awarded him its Brandeis Award in 1985; and he also received the prestigious Grauman Award in 1986.

However, neither these awards nor his many decisions in important cases provide the true measure of the man. Judge Allen was never at home in the limelight. He was more comfortable in the quiet of his chambers, studying cases, contemplating legal problems, and trying to understand the nature of justice. He much preferred thinking about his faith, his children, and his wife, Betty Anne, rather than his own importance. Away from court, he enjoyed, and excelled at, the competition of the tennis court, chasing steam locomotives, and playing bridge.

Judge Allen knew well the prophet Micah's eternal question and answer: "What does the Lord require of you? To act justly, to love mercy, and to walk humbly with your

God." Charlie Allen did so in his life. We will miss his twinkling eyes and his genuine enthusiasm for the law. We will miss his delight in our own successes and efforts. We will miss the floppy hats, the seersucker suits, the stacks of Federal Reporters scattered on conference tables, desks, and floors throughout his chambers. We think of him and smile at our good fortune in knowing the man.

Now, therefore, **BE IT RESOLVED** that the Sixtieth Judicial Conference of the Sixth Circuit, in session at Cincinnati, Ohio, this 31st day of May, 2000, pays tribute and appreciation to the memory of Judge Charles Mengel Allen, who served the nation, this district, and the Commonwealth of Kentucky faithfully and well.

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

Respectfully submitted,

Charles R. Simpson III
Chief Judge
United States District Court
Western District of Kentucky

John G. Heyburn II
United States District Judge
Western District of Kentucky

Edward H. Johnstone
Senior Judge
United States District Court
Western District of Kentucky

MEMORIAL RESOLUTION

to

HONORABLE BERNARD T. MOYNAHAN, JR.

On November 22, 1963, Bernard T. Moynahan, Jr. took the oath of office and assumed the duties as the fourth United States District Judge for the Eastern District of Kentucky. Later in the day, the President that had appointed him was assassinated in Dallas, Texas. Judge Moynahan's commission was probably the last one signed by John F. Kennedy. He served with high distinction until his retirement on September 30, 1984. We are saddened by his passing on September 30, 1999.

Judge Moynahan was born on December 29, 1918, and was a life long resident of Jessamine County, Kentucky. He graduated from the Nicholasville High School in 1932, at 13 years of age. He continued on to the University of Kentucky and received his bachelors degree in the college of Arts and Sciences in 1935, and graduated "with distinction" and departmental honors. Following graduation he entered the College of Law at the University of Kentucky and while there he was a staff member of the Kentucky Law Journal. He received his LL.B. in 1938, at the age of 19. He was probably the youngest person ever to receive these degrees in the history of the University. He passed the bar examination later that year but in those days and times Judge Moynahan could not practice law until he attained twenty-one years of age.

In 1940, Judge Moynahan opened a law office in Nicholasville where he practiced until after the outbreak of World War II. He enlisted in the Army Air Force in June, 1942.

Judge Moynahan completed training and became a navigator on a B-17 with the 8th Air Force based in England. He flew 14 missions before his plane was shot down by enemy fire on February 21, 1944. Five members of his crew were lost, but he survived and was captured by the Germans and interned as a prisoner of war at Barth, Germany. He brought back many interesting stories of that internment. Escape was always on his mind. He tried it several times but was always recaptured. As punishment he was made to stand up in front of the entire camp and sing a song. He always pondered the question as to who was being punished, he or his fellows. He remained a prisoner for 15 months until the camp was liberated by the Russian Army on May 1, 1945. Instead of running out the front gate with the rest, he went directly to the commandant's office and retrieved his prisoner of war record. This consisted of one large file card that included his photograph. This memento was always displayed on the wall of his chambers. Later, he was awarded the Air Medal with one oak leaf cluster and the Purple Heart. He was honorably discharged as a First Lieutenant on December 31, 1945.

After his discharge, Judge Moynahan returned to Nicholasville and resumed the practice of law. He was elected County Attorney for Jessamine County in 1946, and served two terms, leaving the office in 1954. He was also a law partner of John C. Watts who was elected to the United States House of Representatives in 1951. In 1961, he was appointed United States Attorney for the Eastern District of Kentucky by President

Kennedy where he served with distinction until his elevation to the district bench two years later. He was a skillful trial lawyer and personally tried hundreds of cases while serving as U. S. Attorney.

Judge Moynahan's service on the bench came at a time when the Eastern District was overloaded with civil and criminal case filings. There were too few judges to help do the work and Congress was generally unsympathetic or too busy with other matters to provide additional judgeships. Moreover, his tenure included times where judicial vacancies compounded the problem. Help did not come until 1979 and this was toward the end of his career. The additional judgeships came as a direct result of his continuing efforts. He had a wonderful gift of persuasion and the Congress finally listened.

Judge Moynahan was one of the last "circuit riders". He presided in Lexington, Frankfort, London, Catlettsburg, Pikeville and Jackson. Many times, he and his staff would leave home on Sunday afternoon and not return until the following Saturday, only to start out again the following day. And of course, the highways in the mountains of Eastern Kentucky did not add much to the quality of life.

The court's business could not be completed without night sessions. Such sessions were the rule rather than the exception. One former law clerk has recalled being with Judge Moynahan on a trip to London and leaving the courthouse at the stroke of midnight.

Judge Moynahan was a gentleman. Few were his intellectual equal. He had excellent judicial temperament. Although firm he was always courteous to the attorneys and parties appearing before him. His years of service did not go without notice. The Kentucky Bar Association recognized him as "Judge of the Year" at its 1974 annual

convention in Louisville. In 1984, the Fayette County Bar association gave him its "Outstanding Service Award".

He married Mary Thomas Parks on December 12, 1945 and they had two children, Dr. Mary Patricia Mullins and Dr. Bernard T. Moynahan, III. Mrs. Moynahan, Mary Tom to all who knew her, passed away on August 27, 1999, following nearly 57 years of marriage.

NOW, THEREFORE, BE IT RESOLVED, by the Sixtieth Annual Conference of the Federal Judges of the Sixth Circuit in session assembled at Cincinnati, Ohio on the 31st day of May, 2000, and that a copy of this tribute of esteem and affection for Judge Bernard T. Moynahan, Jr. be spread upon the records of this Conference and that copies be sent to his family as a mark of our deepest sympathy and respect.

Respectfully submitted,

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

Henry R. Wilhoit, Jr.
Chief Judge
United States District Court
Eastern District of Kentucky

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

**MEMORIAL RESOLUTION
FOR
JEROME TURNER
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF TENNESSEE**

Judge Jerome Turner gave his best as a judge, day in and day out, whether the case was interesting or boring, noteworthy or obscure.

To Judge Turner, giving his best as a judge was very much a matter of personal character. It included qualities of integrity, fairness, impartiality, courtesy, diligence and promptness. As he said in his remarks when he took office on January 19, 1988, these qualities are "learned, sometimes forgotten." On that day Judge Turner pledged to give his best efforts to remember them "well and to strive mightily to do this job as it should be done." Twelve years later, we know that he lived so very well his view of the job's core requirements.

In addition to these basic requirements, Judge Turner brought other important attributes to judicial office. He was smart and a lifetime learner of the law, one who worked hard at making himself the most intellectually fit judge he could be. Judge Turner loved the process of examining difficult legal issues and created an intellectually challenging atmosphere in his courtroom that brought out the best in lawyers and trained them to be better lawyers.

Judge Turner had faith in the legal profession, but was not uncritical in his affection for lawyers. He constantly inspired them to be better, whether through his own example or his leadership of the Leo Bearman Sr. Inn of Court or his advocacy of the Guidelines of Professional Courtesy and Conduct (now a part of the local rules of the Western District of Tennessee) when he was president of the Memphis Bar Association.

Finally, Judge Jerry Turner was a great colleague and friend. He was a team player, who cared about the court and the judiciary as institutions.

Outside of court, Judge Turner lived life fully and with much enjoyment. He and his wife Kay were partners in every sense and had a wonderful time together. He was a proud father of Alex and Christian and thought of Kay's children, Park, Oliver and Whitney, as his own, too. He was a loyal friend to many, including many members of this conference. While Judge Turner liked many things, probably his favorite leisure activity was hunting, at which he excelled.

Judge Turner was born and raised in Memphis. His undergraduate and law degrees were from Washington and Lee University, and in law school he was elected to Order of the Coif. After clerking for United States District Judge Robert M. McRae, Jr., in 1966-67, he was in private practice in Memphis until his appointment as district judge in 1988. In 1998 he received an L.L.M. in the judicial process from the University of Virginia. He was 57 years old at the time of his death on February 12, 2000.

THEREFORE, BE IT RESOLVED that the Sixtieth Judicial Conference of the Sixth Circuit, in session at Cincinnati, Ohio this 31st day of May, 2000, pays tribute to the memory of United States District Judge Jerome Turner, a great judge who served the public and the judiciary 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 Judge Turner's family as a testament to the esteem in which Judge Turner was held by the members of this conference and as an expression of our sympathy.

Respectfully submitted,

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

Julia S. Gibbons
Chief Judge
United States District Court
Western District of Tennessee

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



Photograph on Front Cover
Courtesy of
J. Miles Wolf
Downtown Cincinnati Riverfront