

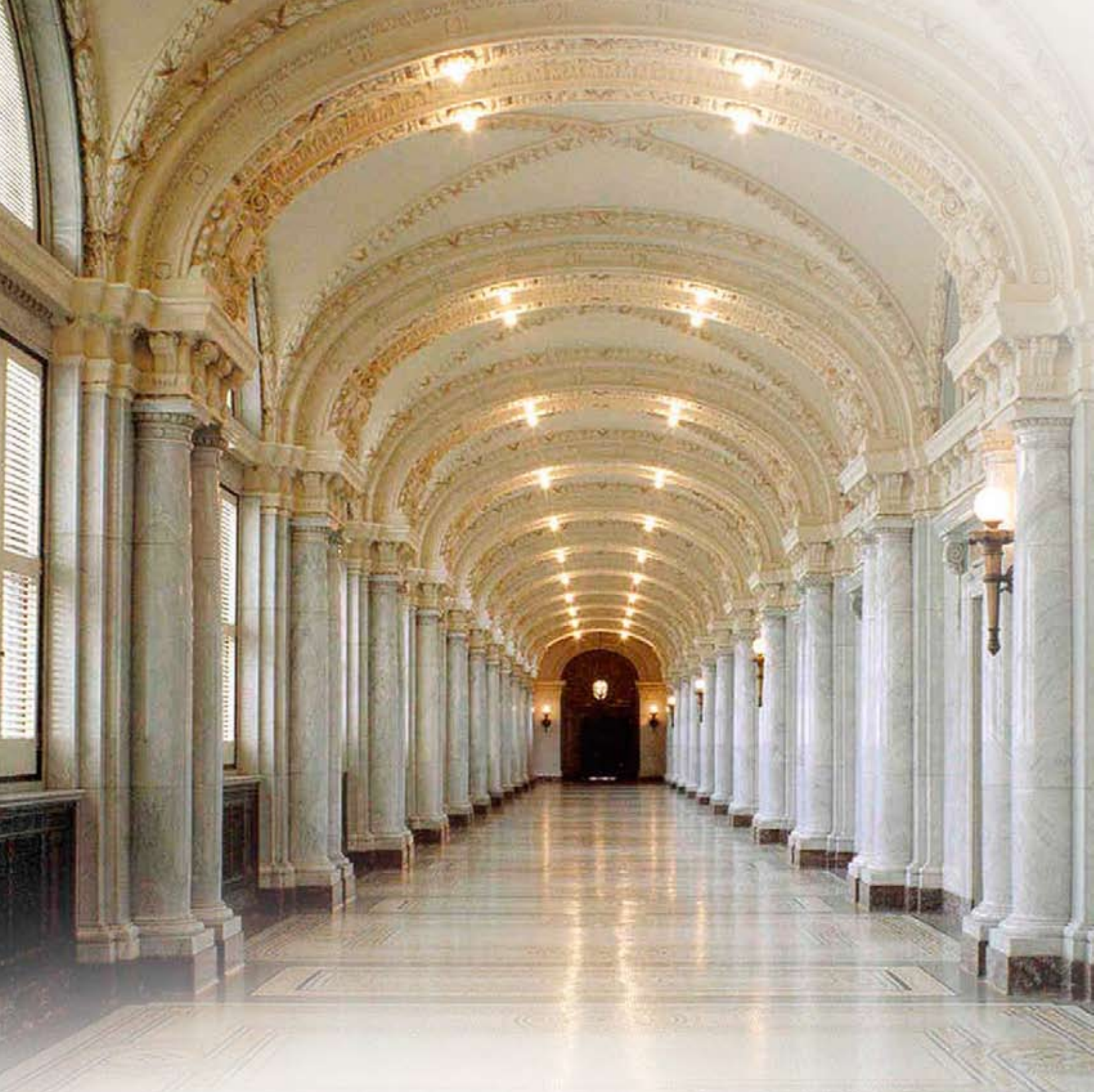


NINTH CIRCUIT

UNITED STATES COURTS

2004

ANNUAL REPORT



The Office of the Circuit Executive would like to acknowledge the following for their contributions to the 2004 Annual Report:

Chief Judge Mary M. Schroeder
Clerk of Court Cathy Catterson
Chief Pretrial Services Officer George Walker
Chief Probation Officer William Corn
Bankruptcy Appellate Panel Clerk Harold Marenus

Cover: Detail from wrought iron grillwork enclosing original elevator shafts at the Ninth Circuit Court of Appeals in San Francisco. Inside Cover: the Great Hall at the Ninth Circuit Court of Appeals.

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THE JUDICIAL COUNCIL OF THE NINTH CIRCUIT



Front row: Senior District Judge Jack D. Shanstrom, Circuit Judge Alex Kozinski, Chief Circuit Judge Mary M. Schroeder, Chief District Judge David A. Ezra, Senior Circuit Judge Arthur L. Alárcon. Back row: Circuit Judge Andrew J. Kleinfeld, Chief District Judge David F. Levi, Magistrate Judge Virginia A. Mathis, Circuit Judge William A. Fletcher, Chief Bankruptcy Judge Patricia C. Williams, Chief District Judge John C. Coughenour, Chief District Judge Marilyn Hall Patel.

MISSION STATEMENT

United States Courts for the Ninth Circuit

The Mission of the Judicial Council of the Ninth Circuit is to support the effective and expeditious administration of justice and the safeguarding of fairness in the administration of the courts within the circuit. To do so, it will promote the fair and prompt resolution of disputes, ensure the effective discharge of court business, prevent any form of invidious discrimination, and enhance public understanding of, and confidence in, the judiciary.



FOREWORD

Chief Judge Mary M. Schroeder

The 2004 Annual Report of the United States Courts for the Ninth Circuit highlights the work of the federal courts in nine western states and two Pacific Island jurisdictions. This report recaps some of the year's major developments, tracks transitions on the federal bench, focuses on new initiatives undertaken by the courts, and provides statistics on caseloads and other matters. We hope you find it useful and welcome your comments.

The Ninth Circuit Court of Appeals experienced an even more significant increase in caseload than we have seen in the past three years. New case filings numbered 14,876, up 17.2 percent over 2003 and almost 48 percent over 2001. The increase was predominantly attributable to the continuing tide of immigration appeals. The immigration caseload in the Ninth Circuit has swelled from 913 cases in 2001 to 5,964 cases in 2004, an increase of 553 percent. These cases constituted 40 percent of the circuit's appellate caseload in 2004.

Nationally, the Ninth Circuit ranked first in these cases with 52.5 percent of the total immigration appeals filed in 2004. The Second Circuit has experienced even greater percentage increase in immigration appeals and we have conferred with that circuit frequently over the course of the year.

We are developing new procedures to handle immigration appeals efficiently while endeavoring to ensure fairness in the process. These have helped the court to terminate 8 percent more cases in 2004 than in 2003. Even so, our pending caseload at the end of the year had grown by almost 21 percent. The numbers make clear the need for more judges, our scarcest resource. We have had no new appellate judges since 1984 and several of our districts are in serious need of additional judgeships.

The district courts of the Ninth Circuit continue to be among the busiest in the nation, accounting for nearly 17 percent of total case filings nationally in 2004. Their case filings slipped by 1.2

percent from 2003, the first downturn in three years. Criminal filings were down 3.8 percent while civil filings held relatively steady. Not surprisingly, immigration offenses comprised the largest category of criminal cases in the district courts, accounting for 40 percent of the total criminal caseload. Particularly large numbers were entered in Arizona and the Southern District of California. The next largest category was drug-related offenses with 21.2 percent of the circuit's criminal cases.

Bankruptcy courts nationally reported 3.8 percent fewer new cases, the first downturn in bankruptcy filings since 2000. Bankruptcy courts in the Ninth Circuit reported a 9.7 percent decline, while the Central District of California, the largest and busiest bankruptcy court in the nation, was down 19.9 percent. The Ninth Circuit comprises 15.8 percent of the total bankruptcy filings nationwide.

Despite the overall growth we experienced, 2004 was another year in which the federal judiciary operated with less than adequate funding. As a result, courts across the country, including some in the Ninth Circuit, were forced to reduce staff and services. The threat of even further cuts loomed large late in the year as Congress struggled to arrive at a budget for fiscal year 2005. Congress even considered enacting a continuing budget resolution that would have frozen funding for most of the federal government at FY 2004 levels. This so-called "hard freeze," which would have spelled disaster for the judiciary, was, fortunately, not pursued.

While the budget ultimately approved by Congress provided the judiciary with enough funding to avoid further cuts in staffing and services, it was insufficient to keep pace with the courts' growing caseload, especially in high growth areas like the Southwest Border, which

materially contributes to the load of the Ninth Circuit's busiest district courts.

Ensuring that the Third Branch of government has sufficient resources to fulfill its constitutional mission will require much effort and innovative thinking. The Ninth Circuit has established committees to address important aspects of the problem. Many of our attorneys are assisting us in informing our congressional representatives about our need to serve our litigants with adequate staff, funding, and judges. Our Space and Security Committee also is studying one of our most pressing budget problems, which is the escalating cost of rent paid to the General Services Administration for court facilities. The Ninth Circuit also has contributed able representatives to the national committees established by the Judicial Conference of the United States to focus on these problems.

2004 also saw renewed efforts to split the Ninth Circuit into two or even three smaller circuits. Judges of the Ninth Circuit and Western District of Washington testified with me before a House subcommittee in April about one such bill, pointing out the high costs of building new facilities and replicating administrative structures, and the apparent lack of benefits to be gained by such a monumental reorganization. While that bill never left committee, another was hurriedly approved by the House in October as an attachment to a bill authorizing new judgeships. It was immediately blocked in the Senate by California Senator Dianne Feinstein, who decried the use of measure intended to alleviate a critical need to further a partisan, political goal.

We do not expect the debate over division of the Ninth Circuit to disappear. We are doing our best to communicate with the legal community, the public and Congress about why this effort is

misguided. And we have invited the decision makers to visit the circuit to see for themselves how well it functions.

Also of Note

The Ninth Circuit's classic *beaux arts* courthouse in San Francisco has been named for Senior Circuit Judge James R. Browning, former chief judge of the Ninth Circuit and an architect of the modern federal court system in the West.

The Ninth Circuit Court of Appeals officially welcomed one new circuit judge, Carlos Bea of San Francisco. The district courts seated five new judges, while one new bankruptcy judge was appointed. We ended the year with four vacant judgeships on the court of appeals and two vacant district judgeships.

Two circuit judges and four district judges took senior status over the course of the year. We now have 23 senior circuit judges and 57 senior district judges continuing to provide vital service to the public. The court family mourned the passing of four judges, including Senior Circuit Judge Herbert Choy of Honolulu, the first judge from Hawaii,

and first Asian American to serve on the Ninth Circuit Court of Appeals, and District Judge Judith Keep of San Diego, a dear friend of all, who served on numerous judicial committees at both the national and circuit level.

Our Pacific Island jurisdictions, the Commonwealth of the Northern Mariana Islands and the U.S. Territory of Guam, each marked a judicial milestone in 2004, when the U.S. Supreme Court assumed jurisdiction for appeals of decisions rendered by their highest courts. The change was effective May 1 for the Supreme Court of the Northern Mariana Islands and Oct. 30 for the Supreme Court of Guam. The Ninth Circuit Court of Appeals had previously heard these appeals.

All in all, 2004 was an eventful and challenging year for our courts. I encourage you to review the report for further information about these and other matters.

A handwritten signature in blue ink that reads "May M. Schroeder". The signature is written in a cursive, flowing style.

Ninth Circuit Overview

The United States Courts for the Ninth Circuit consists of the Ninth Circuit Court of Appeals along with district and bankruptcy courts in the 15 federal judicial districts that comprise the circuit, and associated administrative units that provide various court services.

The establishment of the Ninth Circuit in 1866 began the development of the federal judicial system for the western United States. Today, it is the largest and busiest of federal circuits.

The Ninth Circuit includes the Districts of Alaska, Arizona, Central California, Eastern California, Northern California, Southern California, Hawaii, Idaho, Montana, Nevada, Oregon, Eastern Washington, Western Washington, the U.S. Territory of Guam and the Commonwealth of the Northern Mariana Islands.

Judges serving on the circuit and district courts are known as Article III judges, a reference to the article in the United States Constitution establishing the federal judiciary. Article III judges are nominated by the President, confirmed by Congress and serve for life.

The Ninth Circuit Court of Appeals has been authorized 28 judgeships and ended 2004 with four vacant positions. For most

of the year, district courts were authorized 113 judgeships, four of which were vacant at year's end. One temporary judgeship expired on Nov. 1.

Federal courts also rely on senior circuit and senior district judges to assist with their workload. These are Article III judges who are eligible for retirement but have chosen to continue working with a reduced caseload.

In 2004, two circuit judges took senior status, bringing the total number of senior circuit judges to 23. Senior circuit judges sit on appellate panels, serve on circuit and national judicial committees and handle a variety of administrative matters. In the district courts, 58 senior judges heard cases, presided over procedural matters, served on committees and conducted other business of their courts.

In addition to Article III judges, the Ninth Circuit has a number of Article I judges, who serve as

magistrate judges in the district courts or as bankruptcy judges in the bankruptcy courts.

Bankruptcy judges are appointed by the court of appeals for a term of 14 years, while magistrate judges are appointed by the individual district courts and hold their positions for eight years. In 2004, bankruptcy courts in the Ninth Circuit were authorized 68 judgeships. The district courts were authorized 94 full-time and 11 part-time magistrate judges; several courts also utilized recalled magistrate judges.

Overall, the Ninth Circuit courts experienced increased caseloads in 2004. Unless otherwise noted, statistics in this report cover the 2004 calendar year.

The Judicial Council and Administration of the Ninth Circuit

The Judicial Council of the Ninth Circuit is the governing body of the United States Courts for the Ninth Circuit. The council's statutory mission is to support the effective and expeditious administration of justice and the safeguarding of fairness in the administration of the courts.

The Judicial Council has statutory authority to "make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit," [28 U.S.C. 332(d)(1)]. The 13 members are looked upon as a "judicial board of directors." Chaired by the chief judge of the circuit, the council provides policy guidance and leadership to all of the courts of the circuit. It meets quarterly to review issues and resolve problems, conducting additional business by conference call or mail ballot when necessary.

The Judicial Council also has been delegated responsibilities

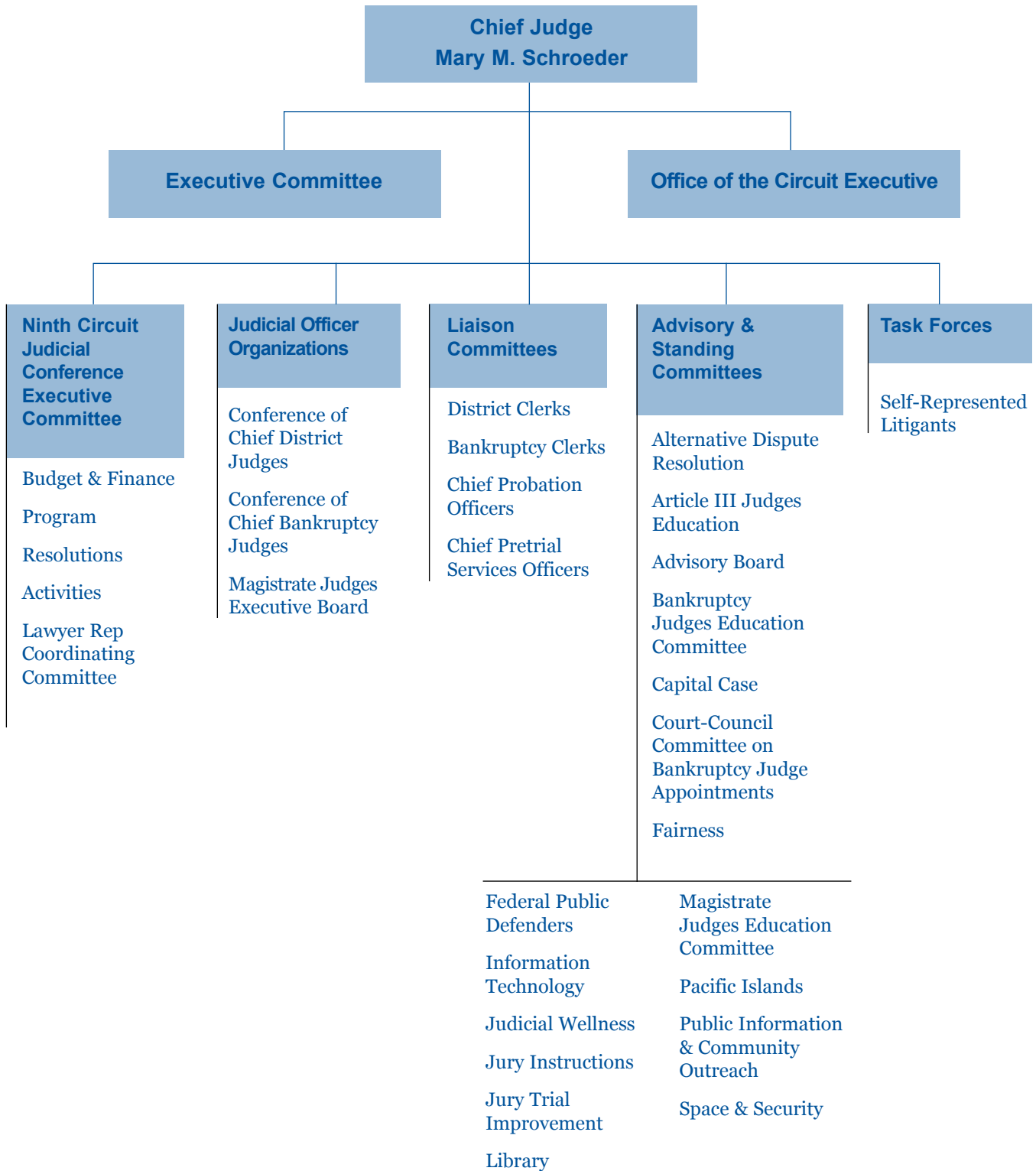
by the Judicial Conference of the United States, the national governing body for the federal courts. Among these responsibilities is authorization of senior judge staffing levels and pay. The Judicial Council accomplishes most of its work through committees.

The Office of the Circuit Executive provides staff support to the council and implements its administrative decisions and policies. By statute, the circuit executive is the administrative assistant to the chief judge of the circuit and secretary to the Judicial Council. The circuit executive and his staff assist in



Participating in Judicial Council discussion are, from left, Chief District Judge David F. Levi, Senior District Judge Jack D. Shanstrom, Chief District Judge Marilyn L. Huff and Chief Bankruptcy Judge Patricia C. Williams.

The Judicial Council of the Ninth Circuit



identifying circuit-wide needs, conducting studies, proactively developing and implementing policies, providing training, public information and human resources support.

Circuit executive staff also coordinates building and automation projects, and advises the council on procedural and ethical matters. The Office of the Circuit Executive provides management and technical assistance to courts within the circuit upon request. It also administers the annual Ninth Circuit Judicial Conference.

Day-to-day management of the courts rests with the court of appeals and each of the district and bankruptcy courts. Under the direction of the individual courts' chief judge and clerk of court, the clerks' offices process new cases and appeals, handle docketing functions, respond to procedural questions from the public and bar, and provide adequate judicial staff resources.

In the court of appeals, the clerk of court also supervises the work of the Circuit Mediation Office and the Office of the Staff Attorneys, which includes the research, motions, case management and *pro se* units. The Office of the Appellate Commissioner, also located in the Ninth Circuit Court of Appeals Clerk's Office, reviews Criminal Justice Act vouchers for cases that come before the court of appeals.



In May, Circuit Executive Greg Walters was recognized by the Ninth Circuit Judicial Council for 20 years of "inspired and dedicated service" to the federal judiciary. Chief Judge Mary M. Schroeder presented Mr. Walters with an engraved crystal plaque commemorating the milestone. Mr. Walters is among the longest serving circuit executives in the judiciary.

Judicial Policy Advisory Groups

Conference of Chief District Judges

The Conference of Chief District Judges advises the Judicial Council of the Ninth Circuit about the administration of justice in each of the circuit's 15 district courts. The chair of the conference is a voting member of the council. The conference, which is comprised of the chief district judge of each district, meets twice a year. Chief District Judge John C. Coughenour of the Western District of Washington served as chair of the conference from May 2003 to August 2004. He was succeeded by Chief District Judge Marilyn L. Huff, who served from September 2004 through January 2005.

Conference of Chief Bankruptcy Judges

The Conference of Chief Bankruptcy Judges advises the Judicial Council of the Ninth Circuit on the administration of the bankruptcy courts within the circuit. The chair of the conference is a non-voting member of the council. The conference, which consists of chief bankruptcy judges from each district and the presiding judge of the Ninth Circuit Bankruptcy Appellate Panel (BAP), meets twice a year. Chief Bankruptcy Judge Patricia Williams of the Eastern District of Washington, chaired the conference from October 2003 to June 2004, when Chief Bankruptcy Judge Albert E. Radcliffe of the District of Oregon became chair. Judge Radcliffe will chair the conference through September 2005.

Magistrate Judges Executive Board

The Magistrate Judges Executive Board provides a channel of communication between the Judicial Council of the Ninth Circuit and the more than 100 full-time, part-time and recalled magistrate judges serving in the district courts. The 10-member board meets twice a year and meets with all magistrate judges at the annual circuit conference. The chair of the board serves on the council as an observer.

Magistrate Judge Virginia Mathis of the District of Arizona completed a two-year term as chair of the board in September 2004. She was succeeded as chair by Chief Magistrate Judge J. Kelley Arnold of the Western District of Washington, who will serve through September 2006.

Associated Court Units

Ninth Circuit courts also rely on important court-related agencies to ensure the fair administration of justice. The district courts maintain oversight of U.S. Probation and Pretrial Services offices, which are responsible for supervision of criminal defendants and background investigations and reports. The circuit's federal public defenders and community defenders represent indigent defendants unable to afford private counsel. They have offices in each of the Ninth Circuit districts with the exception of Northern Mariana Islands, which relies on a Criminal Justice Act panel of attorneys.

JUDICIAL TRANSITIONS

New Judges

New Senior Judges

Deceased Judges



New Judges in 2004

District Judges



Judge Roger T. Benitez was appointed a district judge for the Southern District of California on June 21, 2004. Prior to his appointment, Judge Benitez served as a United States magistrate judge for the Southern District of California, 2001 to 2004, and as a California Superior Court

judge, Imperial County, 1997 to 2001. Judge Benitez was an instructor at Imperial Valley College, 1998 to 1999. He engaged in private practice as a partner and shareholder at Heim, Benitez & Driskill, 1978 to 1997. Judge Benitez received his B.A. from San Diego State University in 1974 and his juris doctorate from Western State University (now Thomas Jefferson School of Law) in 1978. He maintains chambers in San Diego.



Judge Ricardo S. Martinez was appointed a district judge for the Western District of Washington on June 16, 2004. Prior to his appointment, Judge Martinez served as a United States magistrate judge for the Western District of Washington, 1998 to 2004, and as a Washington

Superior Court judge, King County, 1990 to 1998. He was a deputy prosecutor at the Office of King County Prosecutor, 1980 to 1990. Judge Martinez received his B.S. from the University of Washington in 1975 and his juris doctorate from the University of Washington School of Law in 1980. He maintains chambers in Seattle.



Judge James L. Robart was appointed a district judge for the Western District of Washington on June 21, 2004. Prior to his appointment, Judge Robart had been in private practice with the law firm of Lane Powell Spears Lubersky LLP, as a managing partner, 1998 to 2004, a

partner, 1980 to 1998, and an associate, 1973 to 1980. Judge Robart received his B.A. from Whitman College in 1969 and his juris doctorate from Georgetown University Law Center in 1973. He maintains chambers in Seattle.



Judge George P. Schiavelli was appointed a district judge for the Central District of California on July 8, 2004. Prior to his appointment, Judge Schiavelli was of counsel to the appellate group at Reed Smith LLP, 2000 to 2004. He served as a California Superior Court judge, Los

Angeles County, 1994 to 2000. He had been in private practice at Horvitz & Levy as a partner, 1986 to 1994; at Ervin, Cohen & Jessup as a partner in the litigation department, 1980 to 1986, and as an associate, 1976 to 1980; and at O'Melveny & Myers as an associate in the litigation department, 1974 to 1976. Judge Schiavelli received his A.B. from Stanford University in 1970 and his juris doctorate from the University of California at Los Angeles School of Law in 1974. He maintains chambers in Los Angeles.



Judge Neil V. Wake was appointed a district judge for the District of Arizona on March 15, 2004. Prior to his appointment, Judge Wake had been in private practice, specializing in commercial, administrative and constitutional litigation, appellate practice and

Indian law, 1974 to 2004. He served as a judge pro tempore on the Arizona Court of Appeals, 1985, 1992, and 1996 to 1998. Judge Wake received his B.A. from Arizona State University in 1971 and his juris doctorate from Harvard Law School in 1974. He maintains chambers in Phoenix.

Bankruptcy Judge



Judge Bruce A. Markell was appointed a bankruptcy judge for the District of Nevada on July 9, 2004. Prior to his appointment, Judge Markell was professor of law at the University of Nevada at Las Vegas, William S. Boyd School of Law, 1999 to 2004, and a professor of law at Indiana University School of Law, Bloomington, Indiana, 1990 to 1999. He engaged in private practice as an associate and a partner at Sidley & Austin in Los Angeles, 1985 to 1990; an associate at Sachs & Phelps in Los Angeles, 1983 to 1985; and an associate at Morrison & Foerster in Los Angeles, 1981 to 1983. Judge Markell received his B.A. from Pitzer College in Claremont, Calif., in 1977, and his juris doctorate from the University of California at Davis, King Hall School of Law, in 1980. He maintains chambers in Las Vegas.

Magistrate Judges



Judge Craig M. Kellison was appointed a magistrate judge for the Eastern District of California on Sept. 2, 2004. Prior to his appointment, Judge Kellison served as a part-time United States magistrate judge for the Eastern District of California, 1988 to 2004. He was a partner, then a sole proprietor at the Law Offices of Craig Kellison (formerly Kellison and Cady, P.C.), 1978 to 2004. He served as a pro tem administrative law judge, California Office of Administrative Hearings, 2000 to 2004, and as a hearing officer for the United States Department of Housing and Urban Development, 1995 to 2004. Judge Kellison received his B.S. from the University of Nevada at Reno in 1972 and his juris doctorate from Gonzaga University School of Law at Spokane in 1976. He maintains chambers in Redding.



Judge Michael W. Leavitt was appointed a magistrate judge for the Eastern District of Washington on Feb. 2, 2004. Prior to being appointed to the federal bench, Judge Leavitt served as a Washington Superior Court judge, Yakima County, 1989 to 2004. He was a partner and shareholder at the former Gavin Robinson Law Firm in Yakima, 1973 to 1988. Judge Leavitt received his B.A. from Brigham Young University in 1968 and his juris doctorate from the University of Utah School of Law in 1971. He maintains chambers in Yakima.



Judge Peter C. Lewis was appointed a magistrate judge for the Southern District of California on June 28, 2004. Prior to his appointment, Judge Lewis served as an assistant United States attorney in San Diego and Imperial Valley, 1989 to 2004. He served as a deputy district attorney for Imperial County, 1982 to 1989, and was associated with the law firm of Shigeru Ebihara in Tokyo, 1979 to 1981. Judge Lewis received his B.A. from the United States International University in 1973 and his juris doctorate from the California Western School of Law in 1978. He maintains chambers in El Centro.



Judge Barbara L. Major was appointed a magistrate judge for the Southern District of California on January 5, 2004. Prior to her appointment, Judge Major served as an assistant United States attorney for the Southern District of California, 1991 to 2003. She was an associate at Bronson, Bronson & McKinnon, San Francisco, 1988 to 1990. Judge Major received her B.A. from Stanford University in 1983 and her juris doctorate from the University of California at Berkeley, Boalt Hall School of Law in 1987. Following law school, she was a law clerk to United States District Judge J. Lawrence Irving of the Southern District of California in 1987. Judge Major maintains chambers in San Diego.

New Judges continued



Judge Joaquin V.E. Manibusan was appointed a magistrate judge for the District of Guam on Feb. 9, 2004. Prior to his appointment to the federal bench, Judge Manibusan served as a Superior Court judge for the Territory of Guam, 1995 to 2004. He was in private practice as a sole practitioner, 1977 to 1995. He served as an assistant attorney general for the Government of Guam, 1975 to 1977. Judge Manibusan received his A.B. from the University of California at Berkeley in 1971 and his juris doctorate from the University of California at Berkeley, Boalt Hall School of Law, in 1974. He maintains chambers in Hagatna.



Judge William McCurine, Jr. was appointed a magistrate judge for the Southern District of California on Jan. 5, 2004. Prior to his appointment, Judge McCurine was a civil trial lawyer and a partner at Solomon Ward Seidenwurm & Smith, 2000 to 2003. Previously, he was a partner at Gray Cary Ware & Freidenrich (formerly Gray Cary Ames & Frye). Judge McCurine received his B.A. from Dartmouth College in 1969 and his juris doctorate from Harvard Law School in 1975. He maintains chambers in San Diego.

Judge Edward C. Voss was appointed a magistrate judge for the District of Arizona on May 14, 2004. Prior to his appointment, Judge Voss was a shareholder and partner at Gallagher & Kennedy, 2003 to 2004. He served as a judge, Arizona Court of Appeals, 1989 to 2003. He also served on the Arizona Superior Court, Maricopa County, as a judge, 1983 to 1989, and commissioner, 1982 to 1983. He was a public defender, Maricopa County, 1978 to 1982, and engaged in private practice as an attorney at Murphy, Posner & Franks, 1969 to 1977. Judge Voss received his B.B.A. from the University of Texas in 1966, his juris doctorate from the University of Arizona College of Law in 1969, and his LL.M. from the University of Virginia School of Law in 1992. He maintains chambers in Phoenix.



Judge William M. Wunderlich was appointed a magistrate judge for the Eastern District of California on April 30, 2004. Prior to his appointment to the federal bench, Judge Wunderlich was as an associate justice of the California Sixth District Court of Appeal, 1993 to 2004. He served as a judge of the California Superior Court, Monterey County, 1985 to 1993, and was the court's presiding judge, 1991 to 1992. He also served as deputy district attorney, Monterey County District Attorney's Office, 1973 to 1985. Judge Wunderlich received his B.A. from the University of Nebraska-Lincoln and his juris doctorate from the University of the Pacific, McGeorge School of Law, in 1972. He maintains chambers in Yosemite National Park.

New Senior Judges

Circuit Judges



Circuit Judge A. Wallace Tashima, who maintains chambers in Pasadena, assumed senior status on June 30, 2004. Judge Tashima was appointed to the court of appeals on Jan. 4, 1996. He previously served as a district judge for the Central District of California, 1980 to 1996, and was a partner at Morrison & Foerster, Los Angeles, 1977 to 1980. Judge Tashima was the vice president of Amstar Corp., San Francisco, 1968 to 1977, and was the California deputy attorney general, Los Angeles, 1961 to 1967.



Circuit Judge Stephen S. Trott, who maintains chambers in Boise, assumed senior status on Dec. 31, 2004. Judge Trott was appointed to the court of appeals on March 25, 1988. He formerly served in the United States Department of Justice as an associate attorney general, 1986 to 1988, and as an assistant attorney general in the criminal division, 1983 to 1986. Judge Trott served as a United States attorney for the Central District of California, 1981 to 1983, and worked in the Office of the District Attorney for Los Angeles County, 1965 to 1982.

District Judges



District Judge Lourdes A. Baird of the Central District of California assumed senior status on May 12, 2004. Judge Baird was appointed a district judge on Aug. 12, 1992. Judge Baird previously served as a United States attorney for the Central District of California, 1990 to 1992. She served as judge of the California Superior Court, Los Angeles County, 1988 to 1990; Los Angeles Municipal Court, 1987 to 1988; and the East Los Angeles Municipal Court, 1986 to 1987. Judge Baird engaged in private practice in Los Angeles, 1983 to 1986. She was the assistant United States attorney for the Central District of California, 1977 to 1983.



District Judge William B. Shubb of the Eastern District of California assumed senior status on Nov. 1, 2004. Judge Shubb was appointed a district judge on Oct. 1, 1990 and served as chief district judge from 1996 to 2003. Prior to becoming a federal judge, he had been a California Superior Court settlement conference judge, pro tem, Sacramento County, 1988 to 1990. He was in private practice at Diepenbrock, Wulff, Plant & Hannegan as a partner, 1981 to 1990, and as an attorney, 1974 to 1980. He served as the United States attorney for the Eastern District of California, 1980 to 1981. Judge Shubb had been an assistant United States attorney, 1965 to 1971, then chief assistant United States attorney, 1971 to 1974, both in the Eastern District of California. He received his A.B. from the University of California at Berkeley in 1960 and his juris doctorate from the University of California at Berkeley, Boalt Hall School of Law, in 1963.



District Judge Gary L. Taylor of the Central District of California assumed senior status on Dec. 8, 2004. Judge Taylor was appointed a district judge on Oct. 1, 1990. Prior to his appointment, Judge Taylor engaged in private practice as a trial attorney for 20 years at Wenke, Taylor, Evans and Ikola. He served as a California Superior Court judge, Orange County, 1986 to 1990. Judge Taylor received his B.A. from the University of California at Los Angeles in 1960 and his juris doctorate from the University of California at Los Angeles School of Law in 1963.



District Judge Thomas S. Zilly of the Western District of Washington assumed senior status on Jan. 1, 2004. Judge Zilly was appointed a district judge on April 20, 1988. He previously was in private practice in Seattle, 1962 to 1988. He served as judge pro tem, Seattle Municipal Court, 1972 to 1980. Judge Zilly was a United States Naval Reserve Lieutenant (J.G.), 1956 to 1962, and he was in active duty, 1956 to 1959. He received his B.A. from the University of Michigan in 1956 and his juris doctorate from Cornell Law School in 1962.

In Memoriam



Judge Herbert Young Cho Choy (1916-2004) was appointed to the Ninth Circuit Court of Appeals on April 23, 1971, and took senior status on October 3, 1984. Prior to his appointment to the bench, Judge Choy was a partner at Fong, Miho, Choy, and Robinson, 1958 to

1971. He was an attorney general for the Territory of Hawaii, 1957 to 1958. Judge Choy was a partner at Fong, Miho, and Choy, 1947 to 1957, and an associate at Fong and Miho, 1946 to 1947. Judge Choy received his B.A. from the University of Hawaii in 1938 and his juris doctorate from Harvard Law School in 1941. Following law school, he was a law clerk for the City and County of Honolulu. Judge Choy served in the Hawaii Territorial Guard, 1941 to 1942, and in the United States Army Judge Advocate General's Corps in World War II, 1942 to 1946. He died on March 10, 2004. Judge Choy is survived by his wife, Helen Choy.



District Judge A. Andrew Hauk (1912-2004) was appointed a district judge for the Southern District of California on June 29, 1966. Judge Hauk was reassigned on Sept. 18, 1966 to the Central District of California, where he served as chief judge from 1980

to 1982. He assumed senior status on Sept. 29, 1982. Prior to his appointment to the federal bench, Judge Hauk served as a California Superior Court judge, Los Angeles County, 1964 to 1966. He was an associate at Adams, Duque & Hazeltine, Los Angeles, 1952 to 1964, and was an assistant counsel for Union Oil Company in Los Angeles, 1964 to 1966. Judge Hauk was a lieutenant, then lieutenant commander in the United States Navy, Naval Intelligence, when he was released in 1946. He was an assistant United States attorney for the Southern District of California, 1941 to 1942, and served as a special assistant, U.S. Attorney General's Office, Antitrust Division, 1939 to 1941. Judge Hauk received his A.B. from Regis College in 1935, his LL.B. from Catholic University of America School of Law in 1938, and his J.S.D. from Yale Law School in 1942. He died on Nov. 9, 2004. Judge Hauk is survived by his daughter, Susan.



Judge Harry L. Hupp (1929-2004) was appointed a district judge for the Central District of California on March 21, 1984, and took senior status on April 1, 1997. Prior to his appointment to the federal bench, Judge Hupp served as a California Superior Court judge, Los

Angeles County, 1972 to 1984. He previously engaged in private practice in Los Angeles, 1955 to 1972. Judge Hupp received his A.B. from Stanford University in 1953 and his LL.B. from Stanford Law School in 1955. He served in the United States Army during the Korean War, 1950 to 1952. Judge Hupp died on Jan. 27, 2004. He is survived by his wife, Patricia, four children, and two grandchildren.



Judge Judith N. Keep (1944-2004) was appointed a district judge for the Southern District of California on June 30, 1980. Prior to her appointment, Judge Keep served as a municipal court judge in San Diego, 1976 to 1980. She served as an assistant United States attorney

for the Southern District of California in 1976. Judge Keep engaged in private practice from 1973 to 1976. She was a staff attorney for Defenders, Inc., 1971 to 1973. Judge Keep received her B.A. from Scripps College in 1966 and her juris doctorate from the University of San Diego School of Law in 1970. Judge Keep died on Sept. 14, 2004. She is survived by her husband, Russell "Rusty" L. Block.

NINTH CIRCUIT COMMITTEES

Circuit Seeks to Improve Juror Experience

Courts Reach Out to Media

Pro Se Caseload Studied



Pictured: Participants in a Ninth Circuit media workshop in Boise, Idaho

Circuit Seeks to Improve Juror Experience, Jury Management

At the urging of Chief Judge Mary M. Schroeder, the Judicial Council of the Ninth Circuit established a Jury Trial Improvement Committee to study juror service in federal courts of the western states. The committee was directed to develop innovative approaches to improve the juror experience and better manage the jury system. Its preliminary report was given to the Judicial Council in May 2004.

Appointed in 2002 by the chief judge, the committee includes circuit, district and magistrate judges, criminal and civil attorneys (including a Federal Public Defender and a United States Attorney), and court administrators. District Judge Susan R. Bolton of Phoenix was selected as chair because of her past experience as a judge of the Maricopa County (Ariz.) Superior Court, which has been a leader in jury reform.

The committee has been researching how federal and state courts are handling jury related issues and what jury reforms federal courts in the Ninth Circuit should be encouraged to consider adopting. The research included a survey in which district and magistrate judges in the Ninth Circuit were asked to share their experiences with juries, and a questionnaire sent to jury administrators in the circuit to gather data on jury management practices.

The committee's preliminary report included a number of important recommendations. Most noteworthy among them was adherence to a one appearance/one trial policy, limiting how long prospective jurors could be "on call" for jury duty to a maximum of five working days. Prospective jurors

would be required to make only one appearance in court for jury selection. Those selected would serve for one trial; those not selected would be released.

In its report to the council, the committee found no standard term for jury service in the Ninth Circuit's district courts. The typical term is one month, though some courts have three-month terms and two have terms of up to one year, meaning that prospective jurors may be "on call" anywhere from one month to an entire year in order to fulfill their jury duty. "This can be a significant disruption to the potential jurors' lives," the committee reported.

The committee found that state courts that have implemented a one appearance/one trial policy have reported positive results, including increased citizen participation, fewer requests to be excused, reduced financial losses for prospective jurors, and reduced waiting times for jurors.

The committee also recommended that courts implement an interactive voice response (IVR) system that permits jurors to more easily change their jury service dates. IVRs work over the telephone and Internet. Courts



Front row from left: Dr. Bob Rucker, assistant circuit executive, and Amy Cardace, staff assistant, of the Office of the Circuit Executive; District Judge Susan R. Bolton, chair; Justice Judith McConnell of the California Courts of Appeal; and U.S. Attorney Debra Yang. Back row from left: Circuit Judge Richard Tallman; Federal Public Defender Frances A. Forsman; Retired State Court Judge Michael Brown; Chief Deputy Clerk Cynthia Jensen; attorney John R. Hannah; and District Judge Anthony W. Ishii. Not pictured: District Judge William H. Alsup, Magistrate Judge Elizabeth D. Laporte; Jury Administrator Joan Cook; District Judge Virginia A. Phillips; attorney Brian T. Rekofke; Circuit Executive Dr. Gregory B. Walters.

benefit by saving printing and postage costs and reducing the staff time previously devoted to reviewing thousands of deferral requests or responding to telephone calls.

After seeing IVRs in operation at the Los Angeles County Superior Court and the Clark County (Nev.) District Court, committee members concluded that the systems improve access to the courts, reduce demands on court staff and provide a sufficient number of potential jurors for trials.

A third recommendation was to expand the database from which

jurors are selected. Rather than relying solely on voter registration, the database could be expanded to include state department of motor vehicle lists. Courts also should consider utilizing the national change of address system. The committee found that for a minimal cost, the system can be used to significantly update and therefore improve the quality of information that is needed to contact the potential jurors.

The committee also addressed when citizens can be excused from jury service, recommending that broad excuse categories be eliminated in favor of clear

standards for what constitutes hardship and justifies granting an excuse.

In 2005, the committee will be studying ways to improve jury management inside the courthouse. Once jurors are called in for service, there are a variety of practices that courts can adopt to improve the juror experience. The committee aims to examine the juror experience with these innovations in mind and develop a set of recommendations for its second report to the courts, expected in 2005.

Public Information and Community Outreach Committee

The Ninth Circuit is at the forefront of efforts to educate the public about the courts and the important role they play in a democratic society. Helping organize and coordinate these numerous and varied efforts is the circuit's Public Information and Community Outreach (PICO) Committee.

Established in 2000 by the Judicial Council of the Ninth Circuit, the PICO Committee focuses on projects and programs that improve public understanding of and confidence in the nation's judicial system. Its members include circuit, district, bankruptcy and magistrate judges, along with attorneys, clerks of court and media relations professionals. District Judge Alicemarie H. Stotler of the Central District of California, who had chaired the committee since its inception, stepped down in

September, when several new members also were appointed. The new chair of the committee is Chief District Judge Robert S. Lasnik of the Western District of Washington.

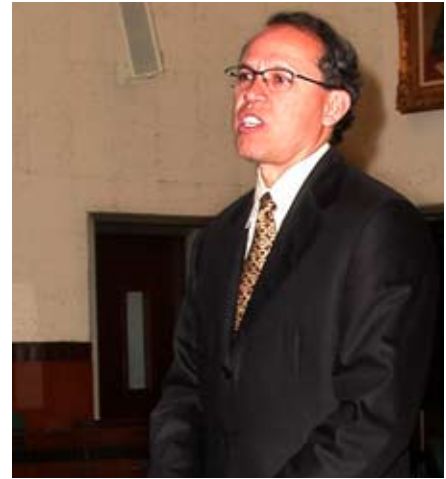
The committee has set out two goals: facilitating better relations between the courts and news media, and promoting existing community outreach programs that help educate the public about the courts. The emphasis on media relations stems from

recognition that most citizens are unfamiliar with the federal courts. They rely on the media for information about the courts, and base their opinions of the courts on what they have read in the newspaper or seen on television. Thus, the committee believes it makes sense for courts to assist the media, where feasible and appropriate, to ensure accurate and fair reporting.

The PICO Committee has been organizing media workshops in which judges and court staff can interact and share views with reporters and editors. In 2004, the committee co-sponsored workshops in Los Angeles and Boise, Idaho, and contributed to planning for a program held in San Francisco. All three events were highly successful with a good turnout by both judges and journalists.

Bill Manny, metro editor of the Idaho Statesman newspaper, was among the journalists who participated in the media workshop held in Boise.





U.S. District Judge Alicemarie H. Stotler, at podium, left, introduces panelists for the media workshop held in Los Angeles. The program featured Manny Medrano, a former assistant U.S. Attorney in Los Angeles, who is the U.S. Supreme Court correspondent for ABC News.

The Sept. 30 media workshop in Los Angeles, one of the world's most competitive media markets and home to the nation's busiest federal court, was co-sponsored by the United States District Court for the Central District of California. Entitled "Courts and the Media: Access, Influence and Ethics," the program opened with a panel presentation focusing on the shared responsibility judges and journalists bear to ensure that the public understands what goes on in the courtroom. A second panel comprised of attorneys and a media consultant talked for and against limiting media access to court documents and proceedings, and about whether reporters may soon be forced to reveal confidential sources.

The program also included luncheon remarks by Supreme Court correspondent Manny Medrano of ABC News. Other media panelists were Dave Boardman, managing

editor of the *Seattle Times* and a frequent participant in PICO events; special correspondent Linda Deutsch of *The Associated Press*; legal writer Henry Weinstein of the *Los Angeles Times*; and Katrina Dewey, editor of the Los Angeles edition of the legal publication *The Daily Journal*.

The May 13 workshop in Boise was a joint effort involving PICO, the U.S. District and Bankruptcy Courts for the District of Idaho, and the State Courts of Idaho. The program brought together federal and state judges, lawyers, law professors, freedom of the press advocates and working journalists from Idaho newspapers and television stations. In all, some 60 workshop participants spent nearly six hours together, listening to presentations and sharing views on a variety of topics of mutual interest and concern.

The program featured a look at the U.S. Patriot Act as seen through

the eyes of a prosecutor, Tom Moss, U.S. Attorney for the District of Idaho; a defense attorney, Tom Monaghan, deputy public defender for the district; and reporter, Betsy Russell, Boise bureau chief for the *Spokane Spokesman-Review*. District Judge Michael R. Hogan of Eugene, Ore., a PICO Committee member, moderated. There was also an open forum, moderated by Judge Lasnik and Idaho State Judge Randy Smith, in which reporters were welcome to bring up topics not covered previously.

The program ended with a luncheon presentation focusing on journalists' use of confidential government sources in reporting on the Wen Ho Lee nuclear secrets scandal.

The presenters were Los Angeles attorney Brian Sun, a PICO Committee member, and Lucy Dalglish, a former media attorney now executive director of the Reporters Committee for Freedom of the Press in

Public Information and Community Outreach continued

Washington, D.C. Mr. Sun represents Dr. Lee in a federal Privacy Act suit and is seeking to compel several reporters to reveal the sources of government leaks in the case. Ms. Dalglish's organization seeks to protect reporter privilege and has spoken out strongly against the effort to force reporters to reveal sources in the Lee case.

The April 28 media program in San Francisco was sponsored by the U.S. District Court for the Northern District of California. Titled "Covering the Federal Courts: A Legal Seminar and Roundtable Discussion for Journalists," the half-day program began with a workshop geared toward reporters new to the federal court beat, followed by a roundtable discussion of issues affecting the interaction between the judges and journalists.

Courts Reach Out to Students

The committee promotes and publicizes educational outreach programs sponsored by district and bankruptcy courts in the circuit. These include Law Day and Open Doors to Federal Courts, a national program organized by the Administrative Office of the United States Courts that involved a number of Ninth Circuit courts in 2004.

For the Central District of California, Law Day is actually Law Week. Hundreds of high school students



The Idaho program brought together the state's top judicial officers: Chief District Judge B. Lynn Winmill of the U.S. District Court for Idaho; Chief Judge Mary M. Schroeder of the U.S. Court of Appeals for the Ninth Circuit, and Chief Justice Linda Copple Trout of the Idaho Supreme Court.

visited the district court's Spring Street courthouse in downtown Los Angeles during the May 4-7 observance. Besides introducing young people to the federal courts, this year's program also included reference to *Brown v. Board of Education* in this the 50th anniversary year of the landmark decision that led to desegregation of the nation's public schools.

The Open Doors event held Feb. 6 by the Eastern District of California drew nearly 700 high school seniors and juniors to federal courthouses in Sacramento, Fresno and Bakersfield. The program was organized around the theme "Working for Justice: Careers in the Courts." Judges presided over mock trials concerning a student accused of receiving a stolen vehicle. Students assumed the roles of jurors in deciding the case and some portrayed the defendant. Afterward, attorneys from the offices of the U.S. Attorney and Federal Public Defender were on hand to talk about their careers and answer questions from students. Representatives of the district's probation and pretrial services offices and the U.S. Marshals Service also spoke.

Task Force Seeks Solutions to Courts' Pro Se Caseload

Through its Task Force on Self-Represented Litigants, the Ninth Circuit is helping federal courts find ways to contend with the growing number of *pro se* cases in which at least one of the parties is self-represented.

Self-represented litigants are generally less familiar with the law and legal procedures. Thus, *pro se* cases pose special challenges for judges and often demand more services from court staff. *Pro se* cases now constitute roughly one-third of all civil filings in the Ninth Circuit with the problem most acute in the district courts, where trials are conducted.

In 2002, the Task Force on Self-Represented Litigants was established to advise the Judicial Council of the Ninth Circuit, governing body for the federal courts in the West, on what courts might do or do better to deal with the situation. The task force represented a cross section of judges, lawyers, academics and court staff from throughout the circuit. Members were named by Chief Judge Mary M. Schroeder, who selected District Judge James K. Singleton of Anchorage to serve as chair.

In November 2004, the task force released an interim report and recommendations on how to improve administration of cases either filed or defended by unrepresented litigants. The report was announced publicly and published online. Public comment was received from individuals and groups.

Task force members were organized into subcommittees that focused on different areas of concern and issued recommendations in each. The subcommittee on case management, for example, looked into staffing and other case management proposals to reduce the amount of time a judge spent on *pro se* cases. The subcommittee sought to determine how courts staff screen *pro se* cases, and made recommendations and suggestions on these processes. While the effort focused on district courts, data was collected from the Court of Appeals and bankruptcy courts as well.

Working through the Office of the Circuit Executive, the case management subcommittee also surveyed some 78 *pro se* law clerks to gauge where most of their work time was spent. The survey found that, on average, *pro se* law clerks spent 91.2 percent of their time on prisoner cases.

Another subcommittee investigated the use of *pro bono* counsel to represent self-represented litigants in the district courts. The subcommittee reviewed current practices in the district courts and made recommendations regarding the minimum that should be done to ensure the availability of *pro bono* counsel

where appropriate, and certain additional approaches worthy of consideration. The subcommittee also commented on what might be done, at both the district and circuit levels, to ensure the effectiveness of existing *pro bono* appointment programs throughout the circuit.

Other subcommittees were assigned to:

- Investigate what efforts have been made to cooperate with prisons and prosecutors, leading to a survey of all prisons within the Ninth Circuit, and ad hoc contact with defendant agencies.
- Study and evaluate what self-help materials are now available to *pro se* litigants in general; whether such materials are accessible and being utilized; whether the use of such materials is helpful to the litigant or the court; and whether more or different materials would be beneficial.
- Provide additional educational resources for *habeas corpus* due to the complex substantive and procedural issues, the pace at which the law in this area changes, and the incarcerated status of *habeas* litigants, which poses unique challenges. The subcommittee was cognizant of a concern expressed by a majority of the task force members that any information coming from a court, or appearing to come from a court, should not cross the line between presenting information and giving legal advice.

Task Force Seeks Solutions continued

- Organize future collection of data from each of the districts within the Ninth Circuit in order to better understand the issues posed by *pro se* litigation. The subcommittee noted that beyond basic statistical reports from the Federal Judicial Center, there has been very little research on *pro se* issues in the Ninth Circuit.

The subcommittee conducted interviews and surveys to assess (1) procedures for review of claims related to *in forma pauperis* applications, (2) district standards for appointment of counsel, and (3) *pro se* law clerk functions.

The task force received 23 responses from external organizations, government officials, *pro se* litigants and community members. Among them were individuals who had appeared in *propria persona* in the courts or who wrote on behalf of interest groups of *pro se* litigants. The comments pointed to a need for courts to improve the quality of and access to legal counsel and *pro se* services. Suggestions included self-help centers similar to those in the state courts; collaboration with community partners; making court materials more understandable to average citizens and translating them into foreign languages; and possible use of form pleadings for certain cases.

All public comments were considered by the task force and some specific revisions were made to the report based on the recommendations that were received. The task force is considering holding public hearings next year to review the report further and respond to comments. The report and recommendations may be considered by the Judicial Council of the Ninth Circuit in 2005.



Court of Appeals Among First to Recognize *Pro Se* Trend

The Ninth Circuit Court of Appeals has a well established and successful *pro se* program that may serve as a model for trial courts of the circuit as they consider ways to better screen and process cases involving self-represented litigants.

One of the first circuit courts to recognize the *pro se* trend, the Ninth Circuit organized a *pro se* unit working within the Office of Staff Attorneys in 1992. In 2004, the unit included an attorney, a case administrator and three paralegals who:

- Conduct initial review and early disposition of deficient, vexatious or meritless *pro se* appeals, and the case management of other *pro se* appeals.
- Coordinate and manage the court's *pro bono* program in the review of meritorious or complex *pro se* appeals and the location and appointment of counsel to provide further briefing and argument.
- Provide general assistance to *pro se* litigants and to court staff dealing with unusual or particularly difficult litigants or cases.

Pro se appeals have traditionally constituted approximately one-third of the Ninth Circuit Court of Appeals docket. At least half of all *pro se* cases are disposed of prior to the completion of briefing, either through jurisdictional dismissals or dismissal for failure to prosecute. Most of the remaining appeals are presented on the merits to oral screening panels for disposition. Of those that go forward to be calendared before an argument panel for disposition, most have *pro bono* counsel appointed to represent the litigant, and to file supplemental briefs on their behalf and to appear at oral argument.

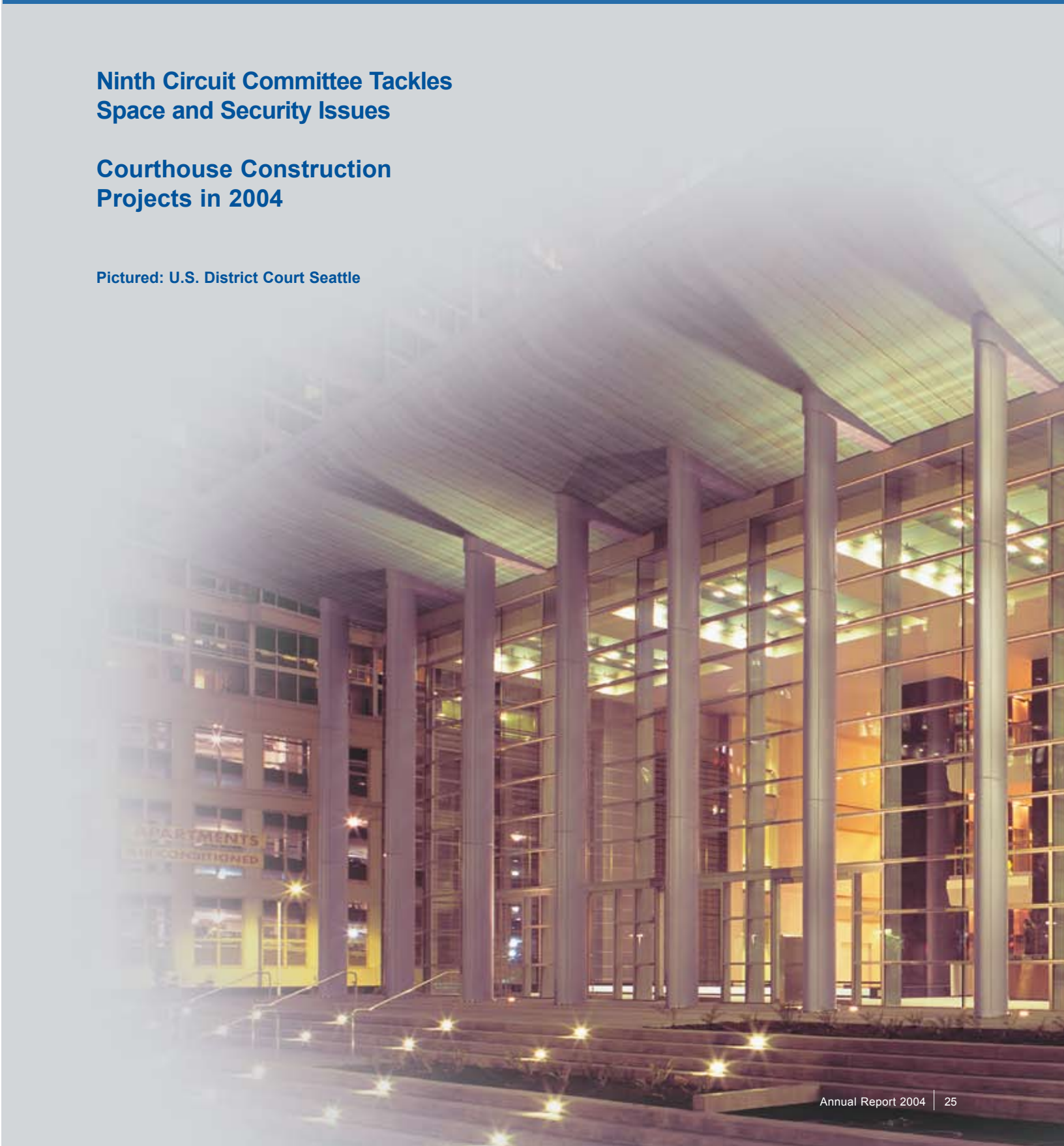
With these mechanisms firmly in place for the last dozen years, the Ninth Circuit Court of Appeals has been able to very effectively manage its growing *pro se* caseload while continuing to provide due process, assistance and justice for these litigants.

SPACE AND FACILITIES

**Ninth Circuit Committee Tackles
Space and Security Issues**

**Courthouse Construction
Projects in 2004**

Pictured: U.S. District Court Seattle



Courts Act to Hold Down Costs for Space

The Judiciary took steps to contain costs for space and facilities in 2004, enacting moratoriums on a broad range of projects. While not unaffected by the building ban, the Ninth Circuit's two biggest undertakings, new courthouses in Los Angeles and San Diego, were deemed critical projects that should go forward.

The cost containment measures were implemented by the Judicial Conference of the United States, national governing body for the federal courts. They included a moratorium on major prospectus level projects for a period of 24 months; imposing caps on space growth; and reassessing standards found in the U.S. Courts Design Guide, which guides court space planning.

The measures reflect growing concern over space costs, largely the rent paid to the General Services Administration (GSA), which serves as landlord and caretaker of judiciary facilities. Rent to GSA has risen at an annual rate of 6.4 percent since 1999 and constituted 21.2 percent of judiciary spending in 2004. Without cost containment measures, rental costs were estimated to increase to almost \$1.2 billion by FY 2009.

This moratorium affects 42 new prospectus level courthouse

construction projects nationwide. In addition, a one-year moratorium for non-prospectus projects was implemented in March 2005.

Four major projects nationwide were designated as judicial space emergencies and were exempt from the moratorium including two in the Ninth Circuit: new courthouse projects in Los Angeles and San Diego. The Ninth Circuit Judicial Council Space and Security Committee also recommended that critically needed courthouse projects in Saipan, Bakersfield, Calif., Coeur d'Alene, Idaho, and Great Falls, Mont., also move forward as lease-construct projects.

Ninth Circuit projects affected by the moratorium include new courthouses in San Jose, Calif., and Yuma, Ariz., along with numerous expansion projects in existing courthouses in Arizona, Nevada, Eastern Washington, Idaho and Hawaii.

Seattle Welcomes New Federal Courthouse

Seattle is home to the Ninth Circuit's newest district courthouse. The U.S. District Court for the Western District of Washington moved into the 23-story, 615,000-square-foot structure over the summer, then celebrated its official opening in September. The building has 18 courtrooms and 22 judicial chambers plus offices for staff of the district and bankruptcy clerks. Other tenants include U.S. Probation and Pretrial Services offices, U.S. Marshals Service and U.S. trustee.

The design of the courthouse features a striking entrance with a portico of seven steel columns supporting a glass façade. Once inside, visitors are met by a reflecting pool that serves both aesthetic and functional purposes by helping control access through a security checkpoint. A diverse array of artwork is spread throughout the building, including metal wall panels celebrating the Northwest's natural environment, and murals depicting citizens at work and as jurors.

The new courthouse occupies two acres of land in downtown Seattle, and cost \$215 million for design and construction.



Judges, court staff and representatives of the General Services Administration conduct a ribbon-cutting ceremony opening the new federal courthouse in Seattle.

Work Progresses on Other Projects

The opening of the new district court in Seattle has left the old William K. Nakamura Federal Courthouse temporarily vacant. The Nakamura courthouse is scheduled for major renovation and modernization and will be used by judges of the Ninth Circuit Court of Appeals, who currently have chambers in leased commercial space nearby. This project was required to reduce scope in order to be exempt from the moratorium. Congress has appropriated \$50 million for construction of the Nakamura project, which is now in design.

In April, groundbreaking for the circuit's newest courthouse project took place in Eugene, Ore. The Wayne Lyman Morse United States Courthouse will be used by the U.S. District and Bankruptcy Courts for the District of Oregon.

The five-story, 276,000-square-foot structure features courtrooms and chambers for two district, two magistrate and two bankruptcy judges, plus office space for the clerk's office, probation, pre-trial services, U.S. Marshals Service, and the U.S. attorney.

The building will meet the court's anticipated space needs over the next 10 years and enable the court to consolidate operations, now scattered at several different locations. The \$70 million project will transform a former industrial site into a federal landmark in a little more than two years.

In Fresno, construction of a 430,000-square-foot courthouse for the Eastern District of California also was well under way. Workers had the project's structural steel, concrete building work, and electrical backbone in place by the end of 2004. The district and bankruptcy courts, U.S. Marshals Service, U.S. trustees and U.S. attorney are expected to move into their new offices in August 2005.

A seismic retrofit and historic renovations of the Pioneer Courthouse in Portland also was begun.



Workers move scaffolding in the lobby of the new Fresno courthouse.

The project includes installation of seismic base isolators that allow the building to move safely during a major earthquake. The courthouse, which borders the Pioneer Square area of the city, is used by judges of the court of appeals.

Construction of a magistrate courtroom and chambers building in El Centro was finished in early December. The Southern District of California project included space for probation, pretrial services, and the clerk's office. The 42,000-square-foot building, which was built by a private developer and leased through the GSA, was expected to be fully occupied and open in early 2005.

Courthouses Under Construction



Fresno

U.S. Courthouse

Gross Square Footage: 430,000

Projected Completion Date: 2005

Architects: Moore Ruble Yudell



Courthouses Under Construction



Eugene

U.S. District Court and Federal Building
 Gross Square Footage: 272,274
 Projected Completion Date: 2006
 Architects: Morphosis

El Centro

Magistrate Judge Courthouse
 Square Footage: 42,000
 Projected Completion Date: 2005



Portland

U.S. Court of Appeals for the Ninth Circuit
 Pioneer Courthouse
 Historic Restoration and Seismic Retrofit
 Gross Square Footage: 51,200
 Project Completion Date: 2005

Courthouses in Design Stage



Los Angeles

U.S. Courthouse

Gross Square Footage: 1,016,300

Completion Date: 2011

Architects: Perkins & Will Architecture

San Diego

U.S. Courthouse

Gross Square Footage: 619,644

Completion Date: 2010

Architects: Richard Meier & Partners

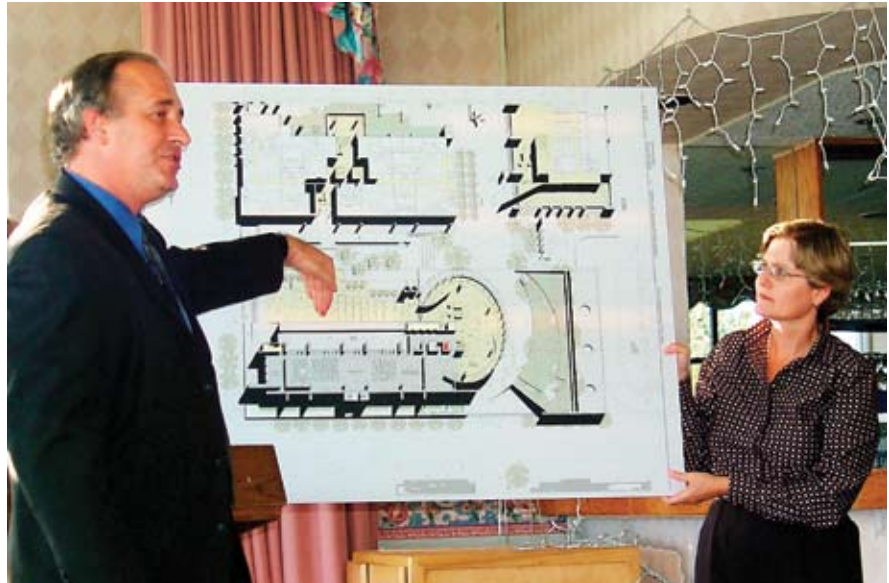


Plans Move Forward for Los Angeles, San Diego Courthouses

Funding constraints have brought about a redesign of a new Los Angeles courthouse for the U.S. District Court for the Central District of California. The largest district court in the circuit, the Central District's downtown operations are currently housed in the existing courthouse on Spring Street and the nearby Edward R. Roybal Federal Building and Courthouse.

Design and construction of a courthouse large enough to accommodate all operations was estimated to cost \$400 million, greater than the \$364 million Congress has appropriated for the project. Work is now under way on an alternative design for a smaller courthouse, supplemented by expansion of court space in the Roybal building. Award of a design-build contract for the new courthouse is expected in fall 2005.

The U.S. District Court for the Southern District of California has been working closely with the design firm of Richard Meier and Partners on the final concept design for a new courthouse in downtown San Diego. Once approved by the local court and regional GSA office, the design will be presented to the GSA commissioner in Washington, D.C. for final approval. The new 620,000-square-foot courthouse will provide courtrooms and chambers for district judges and other office space.



Architect Mike Sarbak of Richard Meier and Partners attended the Southern District of California's district conference to explain plans for the new San Diego courthouse.

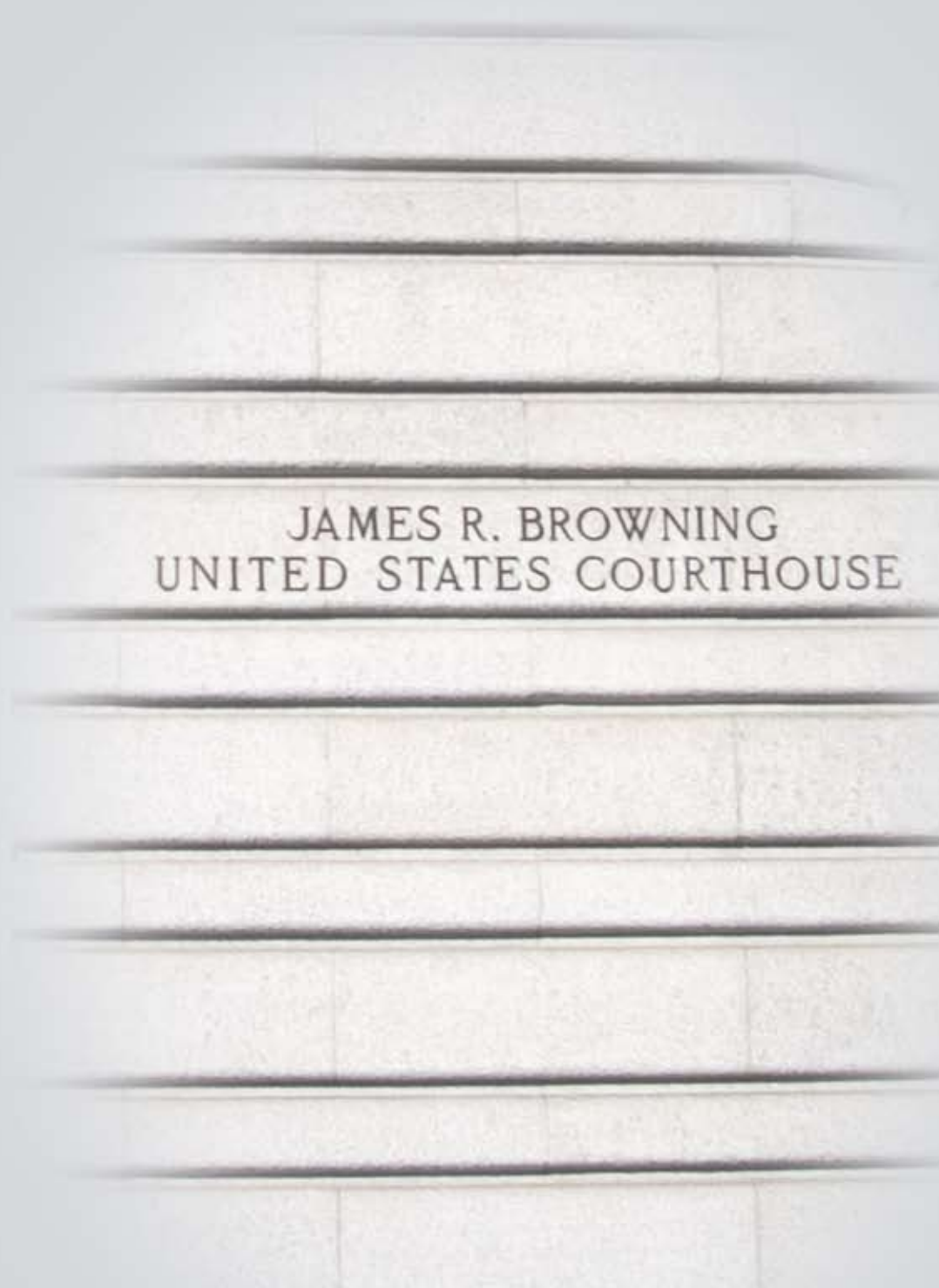
2004 CIRCUIT HIGHLIGHTS

Historic Courthouse Named

**Judicial Conference Focuses on
Human Rights**

Celebrating Diversity

**Pictured: Ninth Circuit Court of
Appeals, San Francisco**



JAMES R. BROWNING
UNITED STATES COURTHOUSE

Landmark Courthouse Named for Respected Judge

In late 2004, Congress authorized naming the historic Ninth Circuit Court of Appeals building in San Francisco after Senior Circuit Judge James R. Browning, one of the nation's longest serving federal judges and an architect of the modern federal court system in the West.

The long-awaited honor resulted from inclusion of legislation in a federal omnibus spending bill passed into law by President Bush on Dec. 10, 2004. The legislation, sponsored by Rep. Nancy Pelosi of San Francisco, officially designated the magnificent *beaux arts* style building as the James R. Browning United States Courthouse.

In introducing the bill, Rep. Pelosi said she was pleased that Judge Browning would be able to witness "this much-deserved tribute to his lifetime of public service."

Judge Browning, who celebrated his 86th birthday in October, has his chambers in the San Francisco courthouse.

Nominated by President John F. Kennedy, Judge Browning received his commission to the Ninth Circuit Court of Appeals on Sept. 18, 1961. Over the next 43 years, Judge Browning participated in almost 1,000 published appellate decisions and authored many other unsigned *per curiam* opinions. Colleagues have described him as "the consummate appellate judge" who made seminal contributions to national antitrust jurisprudence.



Court staff greeted Judge Browning with a paper banner on the day the courthouse was named in his honor.

Judge Browning was elevated to chief judge of the Ninth Circuit in 1976 and served in that position for 12 years. During his tenure as chief, Judge Browning reorganized and modernized the administration of the circuit. Many judges who worked with Judge Browning during his time as chief judge recall fondly the emphasis he placed on judicial collegiality. He also was remembered for working to ensure that citizens had access to the justice system.

"Judge Browning's contributions to the law and to judicial governance have been immense," Chief Judge Mary M. Schroeder of Phoenix said. "As chief, he was a visionary and innovator who made inclusiveness and communication key principles in the functioning of the circuit."

Born in Great Falls, Mont., Judge Browning received his juris doctorate degree from Montana State University Law School in

1941. He graduated at the top of his class and served as editor-in-chief of the law review. With the onset of World War II, Judge Browning entered the U.S. Army, rising to the rank of first lieutenant and winning a Bronze Star Medal for heroism.

After the war, Judge Browning left military service and took a job with the U.S. Department of Justice. He rose steadily in the ranks, serving in several positions in the anti-trust division, eventually becoming the executive assistant to the Attorney General of the United States, 1952 to 1953. In 1953, he organized and served as first chief of the Executive Office of United States Attorneys.

Judge Browning left the DOJ in 1953 to enter into private practice as a partner in a law firm in Washington, D.C. He returned to government service in 1958 as the clerk of the United States Supreme Court. As clerk, he held the Bible used to swear President Kennedy into office in 1961. He was the last clerk of the court to perform this ceremonial task, which now is performed by the spouses of incoming presidents.

In 1991, Judge Browning received the Edward J. Devitt Award for Distinguished Service to Justice, recognizing his many contributions to the judicial system. He also was honored by his Ninth Circuit colleagues and prominent members of the bar and academia at a special ceremony in 2001 marking his 40th year on the bench.

MDCCCCH

JAMES R. BROWNING UNITED STATES COURTHOUSE

95

Appellate Practice Workshop Focuses on Immigration Matters

With thousands of new immigration appeals being filed each year, the Ninth Circuit Court of Appeals has seen a need to provide resources to attorneys who might need help in preparing to represent parties in these cases.

In 2003, the court posted an online "Immigration Outline" that serves as a primer on immigration law. In 2004, the court went a step further, co-sponsoring a program that offered lawyers new to appellate practice a chance to learn what they should expect in a federal appeals court and what will be expected of them.

The Ninth Circuit Court of Appeals' Appellate Practice Workshop was held Oct. 27-28 at the Court of Appeals in San Francisco. Co-sponsored by the Northern California Chapter of the Federal Bar Association, the workshop attracted some 60 attorneys, many of them solo practitioners or lawyers in small firms. The faculty included nine circuit judges, a number of highly experienced appellate attorneys, the clerk of court and its chief staff attorney.

"This was a very worthwhile investment of time for everyone involved," Ninth Circuit Chief Judge Mary M. Schroeder said in opening the program.

"Helping lawyers achieve greater clarity and conciseness in briefs and arguments not only benefits their clients, it greatly assists the court in keeping up with a growing caseload," she observed.

The workshop focused on a case drawn from an actual appellate proceeding involving an appeal by an illegal alien whose asylum claim was rejected by the Board of Immigration Appeals (BIA). Participants were provided a short list of authorities along with a 95-page administrative record of the proceedings. Each attorney was required to prepare and submit a brief beforehand seeking to reverse or affirm the BIA decision (a model appellant brief was provided for

those assigned to write an appellee brief).

The exercise focused on effective writing rather than research, with briefs limited to 10 pages and 4,000 words. Judges or attorneys provided each participant with a personal critique of their brief.

Brief writing was discussed by two panels of judges and attorneys. One panel focused on persuasive writing, reply briefs, ethics in writing briefs, standards of review and statutory interpretation. Participants included Judges Susan P. Graber of Portland and Richard C. Tallman of Seattle. Another panel addressed recurring or serious problems observed in



Senior Circuit Judge Betty Fletcher, second from left, and Circuit Judge Michael Daly Hawkins, third from left, were among the Ninth Circuit judges participating in the appellate practice workshop.

the briefs submitted by program participants. It included Judges William A. Fletcher and Marsha S. Berzon, both of San Francisco.

Day two of the program focused on oral arguments, beginning with a panel discussion on preparation and presentation, handling questions and ethical issues. Panelists included Senior Judge Betty B. Fletcher of Seattle and Judge Michael Daly Hawkins of Phoenix, who offered helpful advice in many areas. For example, Judge Hawkins urged lawyers to listen carefully to questions posed by the panel, noting that attorneys all too often answer the question they want to hear, not the one that came from the bench. Both judges urged attorneys to not pass up the opportunity

for oral argument. Noting the many cases that never reach that stage, attorneys should treat the opportunity as a privilege, Judge Fletcher said.

The program culminated with a model oral argument before Judges Berzon, Alex Kozinski of Pasadena and Stephen R. Reinhardt of Los Angeles. A moderator provided observers with an insider's perspective, including the panel's expectations and objectives prior to the argument. Afterward, participants listened as judges conducted their post-argument conference and reached a decision.

Participants also received brief presentations on the inner workings of the court from Clerk Cathy Catterson; her chief

deputy clerk and senior staff attorney, Molly Dwyer; Appellate Commissioner Peter Shaw; Circuit Mediator David Lombardi; and Cole Benson, procedural motions supervisor. The session helped participants learn about what is entailed in administering the nation's busiest appellate court.

Judges and staff also participated in a "nuts and bolts" program on immigration practice in the Ninth Circuit sponsored by the Los Angeles County Bar Association earlier in the year. More of these programs are planned for 2005.

Circuit Conference Highlights Human Rights

Human rights was the focus of the 2004 Ninth Circuit Judicial Conference, held July 19-22, 2004, at the Monterey Convention Center in Monterey, Calif. The annual event is held pursuant to Section 333 of Title 28 of the United States Code for “the purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit.” Most of the judges who preside and lawyers who practice in the federal courts of the western United States participate.

The theme of the conference was “Human Rights and Human Wrongs – Then and Now, At Home and Abroad.” The program included a 50th anniversary commemoration of *Brown v. Board of Education*,



In her state-of-the-circuit speech, Chief Judge Mary M. Schroeder focused on education and communication.

Based on the theme of “Human Rights and Human Wrongs – Then and Now, At Home and Abroad,” the Ninth Circuit Judicial Conference included a 50th anniversary commemoration of *Brown v. Board of Education*, the historic U.S. Supreme Court decision leading to school desegregation.

the historic U.S. Supreme Court decision leading to desegregation of the nation’s public schools. Also offered were panel presentations on race and diversity in education today; international law; and the use of alternative methods to resolve major human rights cases. The conference opened with welcoming remarks by Ninth Circuit Chief Judge Mary M. Schroeder and closed with a dialogue with Associate Justice Sandra Day O’Connor.

Chief Judge Schroeder delivered a wide ranging address on the state of the circuit, noting that its greatest strength is found in the quality and diversity of its human resources. She said the circuit is committed to two important values that are at the core of our legal system: education and communication.

“This conference is perhaps the most visible annual expression of our commitment to those values, but it is only one of many efforts we have undertaken and will continue to pursue,” she said.

“Brown v. Board of Education: History Told by Those Who Made It,” featured three of the young lawyers who helped Thurgood

Marshall brief and argue the 1954 case that outlawed school segregation. Recalling the high and low points of the historic case were the Hon. Louis H. Pollak, now a senior district judge for the Eastern District of Pennsylvania; the Hon. Jack B. Weinstein, a senior district judge for the Eastern District of New York; and Professor Jack Greenberg of the Columbia University Law School. Harvard law professor and civil rights historian Charles Ogletree, Jr., moderated the session, which also featured opening remarks by Professor Dennis J. Hutchinson, senior lecturer in law at the University of Chicago.

In “The Aftermath of *Brown* – Contemporary Problems in Education Relating to Race and Diversity,” a panel of experts looked at public education 50 years after and considered just how much progress has been made in overcoming racism. Panelists included Harvard law professor Lani Guinier, the first African-American woman to receive a tenured professorship at Harvard; Christopher Edley, Jr., newly-named dean of the University of California’s Boalt Hall School of Law; Dr. Mahzarin R.



Contributing to the discussion of Brown were, from left, Harvard law professor Charles Ogletree, Jr.; Senior District Judge Louis Pollak; retired Los Angeles County Superior Court Judge Albert D. Matthews; Columbia University law professor Jack Greenberg; Senior District Judge Jack B. Weinstein; and University of Chicago law professor Dennis J. Hutchinson.

Banaji, a professor of psychology at Harvard University who studies subconscious attitudes; Michele Barraza Lawrence, superintendent of the Berkeley (California) Unified School District; and Glenn C. Loury, a noted economist and advisor on social issues to business and political leaders around the country.

Ninth Circuit Judge M. Margaret McKeown moderated a discussion among legal experts of how national courts are increasingly involved in global issues. The session, "Complementary or Contradictory? International Law in the U.S. Courts," focused on the Alien Tort Statute of 1789. After having lain dormant for two centuries, the law has recently been rediscovered and used to bring multi-million-dollar lawsuits against multinational corporations



The International Law discussion included Circuit Judge J. Harvie Wilkinson III, Circuit Judge M. Margaret McKeown, law professors Ernest A. Young of the University of Texas, Viet Dinh of Georgetown University Law Center, and Harold Hongju Koh, dean of Yale Law School; and Chief District Judge Robert S. Lasnik.

and foreign nationals, alleging human rights and environmental violations. The panelists included Judge J. Harvie Wilkinson III of

the U.S. Court of Appeals for the Fourth Circuit and law professors Viet Dinh of the Georgetown University Law Center, Harold

Ninth Circuit Judicial Conference *continued*

Hongju Koh, dean of the Yale Law School, and Ernest A. Young of the University of Texas School of Law.

A later panel looked at how the search for alternative remedies to serious human rights abuses has resulted in creative solutions such as the Truth and Reconciliation Commissions in South Africa. "Race and Reconciliation: The Potential for Innovative Remedies to Resolve Major National and International Human Rights Controversies" was moderated by lawyer Bill Lann Lee, former assistant attorney general for civil rights in the Clinton administration.

Panelists included attorney Saul Green, who served as special monitor for the sweeping reforms instituted by Cincinnati police; Gay J. McDougall, executive director of Global Rights and a United Nations expert on international treaties for the elimination of discrimination; and civil rights attorney Burt Neuborne, director of the Brennan Center for Justice at the New York University School of Law.



Participating in the "Conversation with the Justice" were, from left, Circuit Judge Raymond C. Fisher; Ana Maria Merico-Stephens, assistant professor of law at the University of Arizona; and U.S. Attorney John McKay of the Western District of Washington.

Justice O'Connor shared her views in a conversation with Judge Raymond C. Fisher of the Ninth Circuit Court of Appeals, John McKay, U.S. Attorney for the Western District of Washington, and Ana Maria Merico-Stephens, an associate professor at the University of Arizona James E. Rogers College of Law.

Justice O'Connor focused on recent Supreme Court decisions, most notably the *Blakely* ruling on sentencing but also on cases from the Ninth Circuit. She made note of the apparent conflict between the judiciary and Congress, but encouraged judges to educate legislators about what goes on in the courts.

Reflecting on the *Brown* decision, Justice O'Connor said she had spoken with Thurgood Marshall shortly before he stepped down from the Supreme Court in 1991.

"To hear him tell me that he didn't think anything he had accomplished in that regard had made any difference, and that things were just as bad as ever – I was shocked because I thought he had made a monumental difference," she said.

The 2004 conference was organized by a Conference Executive Committee chaired by Judge Fisher. Chief District Judge David F. Levi of Sacramento and attorney Alan Schulman of San Diego co-chaired a subcommittee responsible for the conference program.



Awards Recognize Noted Attorneys, Court Staff

Among the traditional highlights of the opening session of the Ninth Circuit Judicial Conference is the presentation of awards recognizing professional excellence and outstanding contributions to the law and the courts. In 2004, the awards went to two attorneys and a longtime court employee.



Ann Taylor-Schwing, right, accepts the American Inns of Court Award from Circuit Judge Deanell Reece Tacha.

American Inns of Court Award

Sacramento attorney Ann Taylor-Schwing received the 2004 American Inns of Court Circuit Professionalism Award, which recognizes "a senior practicing lawyer or judge whose life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession and the rule of law." The award was presented by Tenth Circuit Chief Judge Deanell Reece Tacha, president of the American Inns of Court.

Ms. Schwing, who is associated with the law firm of McDonough Holland, has been the Master of the Bench for the Anthony M. Kennedy Inn of Court since 1988 and has served on its Executive Committee since 1989. She also serves on the Ninth Circuit's Task Force on Self-Represented Litigants, the Eastern District of California's Judicial Advisory Committee and Civil Justice Reform Act Advisory Group, and is a member of the district's Early Neutral Evaluation Panel.

The American Inns of Court, a national organization with 340 inns and 75,000 active and alumni members, is dedicated to excellence, civility, professionalism, and ethics in the practice of law. An American Inn of Court is an amalgam of judges, lawyers, and sometimes, law professors and law students. The inns are intended to improve the skills, professionalism and ethics of the bench and bar.

Robert F. Peckham Award

The 2004 Robert F. Peckham Award for Excellence in Alternative Dispute Resolution went to Leandra Parker Kelleher, chief deputy clerk of the U.S. District Court for the District of Montana. The presentation was made by Senior Circuit Judge Dorothy W. Nelson, chair of the Ninth Circuit's ADR Committee, which helps select a candidate for the award.



Leandra Parker Kelleher, right, received the Robert F. Peckham Award from Senior Circuit Judge Dorothy W. Nelson.

Awards Recognize Attorneys, Court Staff *continued*

The late Judge Peckham, a former chief district judge of the Northern District of California, helped pioneer use of legal means other than court trials to resolve disputes. The Peckham Award was established in 2001 by the Judicial Council of the Ninth Circuit, acting on a recommendation by the circuit's ADR Committee.

Prior to joining the federal court in Montana in May 2002, Ms. Kelleher had worked in the District of Idaho for 18 years. She held various positions, eventually being promoted to the district's human resources manager. She also served as ADR administrator for both the district and bankruptcy courts. She was nominated for the award by Chief District Judge B. Lynn Winmill of the District of Idaho for her tireless efforts in the ADR field.

Ms. Kelleher is credited with developing a *pro bono* mediation program for non-prisoner *pro se* litigants. She has presented educational programs to the Idaho State-Federal Court Judicial Relations Conference and the Ninth Circuit's Conference of Chief District Judges. She has taught numerous mediation classes, and served as a charter member of the ADR Committee.



Michael Traynor, right, receives the John P. Frank Award from M. John Carson, chair of the Advisory Board.

John P. Frank Award

San Francisco attorney Michael Traynor received the 2004 John P. Frank Award, recognizing an outstanding lawyer practicing in the federal courts of the western United States. Mr. Traynor, a partner in the San Francisco office of Cooley Godward LLP, was honored for a distinguished law career spanning more than 40 years, and for significant contributions to the advancement of legal and scientific research and education.

Mr. Traynor, who specializes in intellectual property and First Amendment litigation, has made appearances before the United States Supreme Court, the U.S. Courts of Appeals for the Fifth and Ninth circuits, and federal district courts in California. He also serves as a mediator for the U.S. District Court for the Northern District of California.

Mr. Traynor was the president of the American Law Institute; a Fellow of the American Academy of Arts and Sciences and the American Association for the Advancement of Science; a member of the boards of directors of the Environmental Law Institute and the Lawyers Committee for Civil Rights; and teaches periodically at the Boalt Hall School of Law at the University of California at Berkeley.

The John P. Frank Award recognizes a lawyer who has "demonstrated outstanding character and integrity; dedication to the rule of law; proficiency as a trial and appellate lawyer; success in promoting collegiality among members of the bench and bar; and a lifetime of service to the federal courts of the Ninth Circuit."

Ninth Circuit's Largest Court Celebrates Diversity

Like the community it serves, the United States District Court for the Central District of California is big, busy and ethnically diverse.

The district, which encompasses seven of Southern California's most populous counties, has courthouses in downtown Los Angeles, Santa Ana and Riverside. In 2004, the court reported some 15,000 case filings, the most in the nation. The caseload is shared among more than 50 district, senior district and magistrate judges, who are supported by some 500 court staff.

To help court employees celebrate their heritages and learn about other cultures, the Central District sponsors "Celebrating Our Diversity Day." The lunchtime event is held every other year in the spacious lobby of the Edward R. Roybal Federal Building in Los Angeles. Diversity Day brings together employees of the district and bankruptcy courts, probation, pretrial services, and the U.S. Marshals Service. Employees dress in ethnic clothing, dine on exotic foods and enjoy dazzling entertainment.

The diversity evident today among the Central District's judges and workforce is a source of wonder and pride for Chief District Judge Consuelo Marshall, the first woman and first African-American woman to serve as chief judge of the district. She notes that not only does the present bench include judges of African-American, Asian, Hispanic and



Diversity Day entertainment included an African dance troupe, flamenco dancers and Japanese drummers.

Largest Court Celebrates Diversity continued

Armenian descent, but nearly a third of the current district and magistrate judges are women.

"It wasn't always this way," said Judge Marshall, who came onto the court in 1980, when there was only one other woman judge on the court and court staff was almost exclusively white.

"We have a lot of diversity in this courthouse now, which is good because we have a very diverse district. To see that our employees come from so many different backgrounds and cultures is, I think, reassuring to the people we serve," Judge Marshall said.

Judge Terry J. Hatter, Jr., who preceded Judge Marshall as chief district judge, came up with the idea for Diversity Day, which was first held in 2002. Judge Hatter, the first African American to lead the district, proposed an event that would recognize and honor cultural diversity.



District Judge Terry J. Hatter, Jr., at the Diversity Day program.

"It is a wonderful opportunity for people to share with each other, to learn about each other's culture, food, music, dress," Judge Marshall said.

More than 600 persons attended the 2004 Diversity Day event. Food and entertainment reflected the cultures of 45 countries, including Cyprus, Germany and Philippines. A number of court employees proved accomplished

dancers, performing the Spanish flamenco, Mexican salsa, the Haitian-Dominican ballroom dance known as merengue and the Latin cha-cha.

Other entertainment included American 1950s rock-and-roll, Persian and Celtic music, African dancing and dramatic readings, and Japanese taiko drumming. The event concluded with employees singing patriotic songs.

Proceeds from ticket sales funded decorations, equipment rentals, and other expenses. Many of the entertainers volunteered their performances, and employees prepared and donated the food.



THE WORK OF THE COURTS

**Appellate, District Court and
Bankruptcy Caseloads**

**Reports from Probation, Pretrial Services
and Defender Services**



Upward Trend in Appellate Filings Continues

For the fourth consecutive year, the Ninth Circuit Court of Appeals experienced record high case filings. In 2004, the court reported 14,876 new cases, an increase of 17.2 percent over 2003. The Ninth Circuit accounted for 23.4 percent of appellate filings nationally.

Among the nation's 11 regional circuit courts, the Ninth Circuit Court of Appeals had the largest increase in case filings. The Fifth Circuit Court of Appeals was second numerically with 8,678 filings, up 1.5 percent, while the Tenth Circuit Court of Appeals had the highest percentage increase, up 9.4 percent to 2,746 filings from 2,509 in 2003.

Immigration appeals led the upturn in Ninth Circuit case filings. From 913 cases in 2001, immigration appeals swelled to 5,964 cases in 2004, an increase of 553 percent. Immigration cases now constitute 40 percent of the Ninth Circuit appellate caseload.

The flood of immigration filings began in 2002, when the Immigration and Naturalization Service (INS) began clearing a backlog of cases involving foreign nationals denied residency by immigration judges. Would-be immigrants can appeal such decisions, first to the Board of Immigration Appeals (BIA), then to a federal circuit court. To clear its backlog, the BIA instituted an expedited review system. Its decisions were often rendered with minimal explanation, virtually assuring subsequent appeal to the circuit court. The Ninth Circuit has been the most impacted, receiving 52.5 percent of the immigration appeals filed nationally in 2004.

Table 1

APPELLATE CASELOAD PROFILE, 2003-2004

Caseload Measure	2003	2004	Change 2003-2004
Filings	12,694	14,876	17.2%
Terminations	11,641	12,462	7.1%
*Pending Cases	11,602	14,016	20.8%

*Total pending cases for fiscal year 2003 revised.

Table 1.1

FILINGS, TERMINATIONS AND PENDING CASES BY TYPE OF APPEAL, 2004

Type of Appeal	Filings	% of Circuit Total	Terminations	Pending 12/31/2004
Civil				
U.S. Prisoner Petitions	492	3.3%	497	361
Private Prisoner Petitions	2,388	16.1%	2,200	1,452
Other U.S. Civil	674	4.5%	501	720
Other Private Civil	2,296	15.4%	1,815	2,542
Criminal	1,873	12.6%	1,658	1,984
Other				
Bankruptcy	213	1.4%	170	261
Administrative Appeals	6,214	41.8%	4,956	6,509
*Original Proceedings	726	4.9%	665	187
Circuit Total	14,876		12,462	14,016
National Appellate Total	63,634		56,984	52,394
Ninth Circuit as % of National Total	23.4%		21.9%	26.8%

*Beginning October 1, 1998, data are reported for types of original proceedings previously not presented in this table.

Administrative agency appeals, which include immigration cases, rose to 6,214 in 2004, up 46 percent

from 2003. Agency appeals have risen 468 percent since 2001. They made up 41.8 percent of the Ninth

Table 1.2

SOURCE OF APPEALS AND ORIGINAL PROCEEDINGS, 2004

District	Appeals	% of Total
Alaska	98	0.7%
Arizona	816	5.5%
C. Calif.	2,302	15.5%
E. Calif.	781	5.3%
N. Calif.	827	5.6%
S. Calif.	482	3.2%
Hawaii	158	1.1%
Idaho	153	1.0%
Montana	306	2.1%
Nevada	622	4.2%
Oregon	426	2.9%
E. Wash.	246	1.7%
W. Wash.	475	3.2%
Guam	21	0.1%
Northern Mariana Islands	10	0.1%
Bankruptcy	213	1.4%
United States Tax Court	51	0.3%
National Labor Relations Board	26	0.2%
Administrative Agencies	6,137	41.3%
*Original Proceedings	726	4.9%
Circuit Total	14,876	

*Beginning October 1, 1998, data are reported for types of original proceedings previously not presented in this table.

Circuit caseload in 2004 compared to 33.5 percent in 2003.

Private prisoner petitions was the next largest category of appeals to the Ninth Circuit at 16.1 percent with 2,388 filings in 2004. Criminal and U.S. prisoner petitions were the only categories to show declines.

Private civil appeals, the third largest category of appeals with 15.4 percent of the caseload, rose 8 percent. Criminal appeals, which constitute

12.6 percent of the total, were down 3.6 percent to 1,873 filings. Drug offenses were the most common cause for criminal appeals, followed immigration offenses and weapons violations. Original proceedings, which were 4.9 percent of all filings, rose 14.5 percent to 634 filings.

Pro se cases, in which at least one party is not represented by legal counsel, continues to increase in the Ninth Circuit. *Pro se* cases made up 40.6 percent of all filings in 2004.

The most common types of *pro se* case were administrative appeals, reflected the large INS caseload, and private prisoner petitions.

Appeals from District Courts

The Central District of California once again generated the largest number of appeals with 2,302 cases, 15.5 percent of total filings for the Ninth Circuit Court of Appeals. Centered in Los Angeles, the Central District of California serves a population of 18 million people and has the busiest district court in the nation. The number of appeals from the district was down 1 percent from 2003.

All other districts in the Ninth Circuit saw increases in appeals filed. The Northern District of California, which had the second largest number of appeals in the circuit, reported an increase of 5.1 percent to 827 cases. Arizona was third with 816 filings, up 1.7 percent, followed by the Eastern District of California at 781 filings, up 1.2 percent, and Nevada with 622 filings, up 9.5 percent.

Terminations and Pending Cases

The Ninth Circuit Court of Appeals terminated 12,462 cases in 2004, up 7.1 percent from 2003. Of the total, 5,946 cases, or 48 percent, were terminated on the merits. Oral arguments were heard in 1,718 cases, while 4,228 cases were decided on the briefs. The court ended the year with 14,016 pending cases, up 20.8 percent from the prior year. All told, the Ninth Circuit had 26.8 percent of the pending cases nationally.

Appellate Filings Increase continued

Median Time Intervals

The larger caseload caused slightly longer median time intervals for processing a case. In 2004, the median time from filing of a case in the lower court to final disposition by the Ninth Circuit Court of Appeals was 31.1 months, up from 30.4 months in 2003. In the appellate court, the time from notice of appeal to final disposition, was 14.3 months, up from 13.7 the prior year. The national median times from filing in the lower court to final disposition by a circuit court was 25.9 months, unchanged from 2003. The appellate portion nationally was 10.4 months, up 0.3 months from 2003. The Ninth Circuit Court of Appeals had longer median times for preparing a case for hearing or submission. Its median times of 1.4 months from hearing to final disposition and 0.3 months from submission to final disposition were significantly shorter than the national medians. This is the period when the cases are under direct management of the judges.



Table 1.3

MEDIAN TIME INTERVALS, CALENDAR YEARS 2003 AND 2004

By Stage of Appeal	Number of Months			
	Ninth Circuit		National	
	2003	2004	2003	2004
From Notice of Appeal to Filing Last Brief	5.8	6.3	5.3	5.5
From Filing Last Brief to Hearing or Submission	5.0	5.7	3.5	3.9
From Hearing to Final Disposition	1.3	1.4	2.1	2.2
From Submission to Final Disposition	0.2	0.3	0.5	0.5
From Filing of Notice of Appeal to Final Disposition	13.7	14.3	10.4	10.7
From Filing in Lower Court to Final Disposition in Appellate Court	30.4	31.1	25.9	25.9

District Court Filings Down Slightly

Criminal and civil filings in the district courts of the Ninth Circuit totaled 58,802 in 2004, down 1.2 percent from 2003. The 15 courts in nine states and two Pacific Island jurisdictions accounted for 16.9 percent of the total federal court caseload.

Criminal filings in the district courts of the Ninth Circuit dipped 3.8 percent to 15,546 in 2004 and constituted 26.4 percent of the total caseload. Immigration offenses comprised the largest category of criminal cases, 40 percent, followed by drug-related offenses, 21.2 percent, of the total criminal caseload.

able to fewer drug offenses, which numbered 3,272 in 2004, down 5.4 percent from 3,459 in 2003. Other categories showing declines were larceny, down 24.3 percent to 523 from 691; fraud, down 4.4 percent to 1,592 from 1,666; and forgery, off 26.5 percent to 139 from 189. The figures exclude transfer cases.

a slight 0.5 percent increase from 69,903 in 2003. In total, the Ninth Circuit's criminal caseload amounted to 22 percent of the nation's criminal filings. The circuit's immigration caseload was 8.8 percent of national criminal filings, while cases related to drug laws accounted for 4.7 percent of the nation's total criminal filings.

The decline in criminal filings in district courts was mainly attribut-

Nationwide, criminal filings (excluding transfers) held steady at 70,279,

The District of Arizona reported the highest number of new criminal

Table 1.4

DISTRICT COURT FILINGS: TOTAL CRIMINAL AND CIVIL CASES FILED, TERMINATED AND PENDING, 2003-2004

Caseload Measure	2003*	2004	Change 2003-2004
Civil Filings	43,383	43,256	-0.3%
Criminal Filings	16,153	15,546	-3.8%
Total Filings	59,536	58,802	-1.2%
Civil Terminations	40,341	42,192	4.6%
Criminal Terminations	15,391	14,601	-5.1%
Total Terminations	55,732	56,793	1.9%
*Pending Civil Cases	41,603	42,667	1.0%
*Pending Criminal Cases	12,172	13,117	3.7%
*Total Pending Cases	51,788	55,784	1.6%
Civil Case Termination Index (in months)	12.37	12.13	-1.9%
Criminal Case Termination Index (in months)	9.49	10.78	13.6%
Overall Case Termination Index	11.15	11.78	5.7%
Median Months (filing to disposition) Civil Cases	8.5	8.4	-1.2%
Median Months (filing to disposition) Criminal Defendants	5.5	5.5	0.0%
Median Months National Total (filing to disposition) Civil Cases	9.1	8.4	-7.7%
Median Months National Total (disposition) Criminal Defendants	6.2	6.3	1.6%

*Criminal cases, civil cases, and total pending cases for 2003 were revised.

Median time intervals computed only for 10 or more cases and for 10 or more defendants.

District Court Filings continued

cases commenced with 4,470 filings, followed by the Southern District of California with 3,328. These two districts, which include significant stretches of the U.S.-Mexico border, traditionally lead the circuit in immigration and drug offenses. In Arizona, immigration made up 51.3 percent of all criminal cases commenced in 2004, while drug offenses accounted for 24.8 percent and fraud 6.5 percent. Southern District of California filings were , 63.6 percent immigration cases, 22.2 percent drug violations, and 10.7 percent fraud cases. Immigration The Central District of California had

the third most new criminal filings. Of the 1,746 new cases, immigration accounted for 45.9 percent, followed by fraud at 15.9 percent, and weapons violations at 9 percent.

Only four of 15 districts in the circuit reported growth in criminal case filings. The Central District of California was up 20.4 percent; Montana up 6.3 percent; the Northern District of California up 4.1 percent; and Arizona up 1.9 percent. All other districts reported declines with Alaska, Hawaii, and the Eastern District of California down 20, 19 and 16.6 percent, respectively.

Civil Filings

In 2004, civil case filings in the district courts were down 0.3 percent, to 43,256, continuing a downward trend that began in 2001. Private civil cases accounted for 77.1 percent of the filings. The remainder were cases in which the United States acted as plaintiff or defendant. Prisoner petitions made up 26.2 percent of private civil cases and 26.6 percent of U.S. civil cases. Social security filings were 36.2 percent of the United States civil cases. Among private civil cases, prisoner petitions accounted for

Table 2.1

NINTH CIRCUIT DISTRICT COURTS - TYPES OF CRIMINAL CASES COMMENCED, 2004 (EXCLUDES TRANSFER CASES)

General Offenses	Alaska	Ariz.	Cent. Calif.	East Calif.	No. Calif.	So. Calif.	Hawaii	Idaho	Mont.	Nev.	Ore.	East Wash.	West Wash.	Guam	NMI	Total
Homicide	0	36	3	2	1	3	1	2	8	4	1	2	1	0	0	64
Robbery	7	15	37	16	24	10	13	3	0	35	49	2	8	0	0	219
Assault	3	151	12	12	13	13	8	15	25	7	4	1	24	2	0	290
Burglary	0	5	0	0	1	0	0	0	9	0	0	0	0	0	0	15
Larceny	13	70	103	56	46	7	22	5	15	23	32	7	115	9	0	523
Embezzlement	2	7	14	19	10	12	3	2	8	10	15	1	15	2	0	120
Fraud	21	291	278	126	150	355	31	20	38	76	59	38	85	21	3	1,592
Weapons and Firearms	26	211	157	91	96	15	73	38	70	162	130	74	85	2	2	1,232
Forgery and Counterfeiting	4	9	53	11	17	2	2	2	7	10	6	5	10	1	0	139
Drug Laws	47	1,107	137	135	118	740	140	44	113	88	125	174	257	39	8	3,272
Traffic	1	16	1	13	28	0	142	0	38	0	0	0	263	1	0	503
Escape	1	27	1	13	6	26	0	0	1	19	13	12	3	0	0	122
Other	9	129	60	91	41	11	18	17	73	66	24	23	127	2	7	698
Total General Offenses	134	2,074	856	585	551	1,194	453	148	405	500	458	339	993	79	20	8,789
Special Offenses																
Immigration Laws	12	2,291	801	170	153	2,118	3	63	30	113	181	129	75	8	9	6,156
Agricultural Acts	10	13	6	2	3	2	0	5	16	0	3	2	0	4	0	66
Postal Laws	0	1	4	1	12	0	0	1	1	1	0	0	6	0	0	27
Other	19	91	79	20	61	14	12	3	18	12	18	10	29	7	8	401
Total Special Offenses	41	2,396	890	193	229	2,134	15	72	65	126	202	141	110	19	17	6,650
All Offenses Total	175	4,470	1,746	778	780	3,328	468	220	470	626	660	480	1,103	98	37	15,439

26.2 percent, civil rights at 19.8 percent, and miscellaneous other cases for 12.2 percent. The Central District of California had the largest number of private and U.S. civil cases combined at 14,064. Its civil cases totaled 10,781. Personal injury cases, excluding those involving motor vehicles, was the district's largest category of civil cases with 2,020 filings.

Seven districts reported a drop in civil case filings in 2004. The Western District of Washington was down 24.4 percent to 3,718 filings. In the Northern District of

California, civil filings were down 6.8 percent to 5,663 filings.

Case Terminations

Although district courts terminated 4.6 percent more civil cases in 2004 than in 2003, the number of pending civil cases increased 1 percent. The pending criminal caseload in district courts rose 3.7 percent from 2003. Criminal case terminations slowed 5.1 percent.

In 2004, case processing time was about the same as 2003. The Case Termination Index, which computes

how long it would take to clear the pending caseload if the current termination rate remained constant, slowed to 11.78 months in 2004 from 11.15 months in 2003.

Median times from filing to disposition was 8.4 months, up from 8.0 months. For criminal cases, the median time from filing to disposition of criminal defendants held steady at 5.5 months. Both civil and criminal media times improved upon the national median times reported in 2004.

Table 2.2

WEIGHTED AND UNWEIGHTED FILINGS PER AUTHORIZED JUDGESHIP DURING THE 12-MONTH PERIOD ENDING SEPTEMBER 30, 2004

District	Unweighted Filings Per Judgeship				Weighted Filings Per Judgeship				
	Authorized Judgeships	Civil	Criminal	Total	Civil	Criminal	2004 Weighted Total	2003 Weighted Total	Change 2003-2004
Alaska	3	123	81	221	137	67	206	263	-21.5%
Arizona	13	264	436	814	300	298	615	695	-11.5%
C. Calif.	28	493	90	615	577	69	651	508	28.1%
E. Calif.	7	642	159	852	642	137	787	734	7.2%
N. Calif.	14	405	75	508	519	58	581	544	6.8%
S. Calif.	13	202	296	632	275	187	481	611	-21.3%
Hawaii	4	190	167	395	256	130	392	427	-8.3%
Idaho	2	317	152	487	403	134	539	500	7.8%
Montana	3	235	186	461	249	169	424	513	-17.4%
Nevada	7	351	129	509	435	120	560	517	8.3%
Oregon	6	407	135	598	462	115	585	570	2.6%
E. Wash.	4	200	134	375	209	114	330	357	-7.6%
W. Wash.	7	400	220	655	463	143	611	651	-6.2%
Circuit Total	111	4,229	2,260	7,123	4,927	1,741	6,761	6,890	-1.9%
Circuit Mean	***	325	174	548	379	134	520	530	-1.9%
Circuit Median	***	317	152	509	403	130	560	517	8.3%
National Mean	675	379	137	545	414	111	529	521	1.5%

Note: Case weights are based on the 2003-2004 district court case weighting study conducted by the Federal Judicial Center. Table excludes civil cases arising by reopening, remand, or transfer to the district by the order of the Judicial Panel on Multidistrict Litigation. Includes defendants in all felony and Class A misdemeanor cases, plus petty offense defendants whose cases have been assigned to district judges. Remands and reopenings for criminal defendants excluded. Data for the territorial courts excluded. Data for supervised release and probation hearings (evidentiary and non-evidentiary) previously not presented in this table. Data obtained from the monthly reports of trials and other court activities conducted by resident and visiting judges. Due to rounding, subtotals for weighted and unweighted civil, criminal and revocation filings may not equal totals for weighted and unweighted filings.

Bankruptcy Courts See Downturn in Filings

Bankruptcy courts nationally reported fewer filings in 2004. The decline was notable in the Ninth Circuit and in the Central District of California, the largest and busiest bankruptcy court in the nation. It was the first downturn in bankruptcy filings since 2000.

In the Ninth Circuit, bankruptcy courts reported 252,668 filings in 2004, down 9.7 percent from the prior calendar year. Bankruptcy filings nationwide numbered 1,597,462, down 3.8 percent.

During 2004, Congress considered but did not approve bills to provide additional judgeships for both district and bankruptcy courts. No new bankruptcy judgeships have been created by Congress since 1992, despite a 65 percent increase in caseload since then. It is widely expected that a new bankruptcy reform bill that includes new judgeships will be introduced in the next session of Congress.

Bankruptcy Filings by Chapter

The largest number of filings came under Chapter 7 of the Bankruptcy Code, totaling 211,811 (business and non-business) and comprising 83.8 percent of all bankruptcy cases in the Ninth Circuit in 2004. Chapter 7 allows debtors to keep certain exempt property while the remaining property is sold to pay creditors. In most Chapter 7 cases, most property is exempt. Businesses filing under Chapter 7 are liquidated and terminated.

A total of 39,645 Chapter 13 cases (business and non-business) were filed in the Ninth Circuit, amounting

Table 3.0

BUSINESS AND NON-BUSINESS BANKRUPTCY CASES COMMENCED, BY CHAPTER OF THE BANKRUPTCY CODE, FOR THE 12 MONTHS ENDING DECEMBER 31, 2004

Filings	2003	2004	Change 2003-2004
Business Chapter 7	5,007	4,258	-15.0%
Business Chapter 11	1,401	1,034	-26.2%
Business Chapter 12	125	14	-88.8%
Business Chapter 13	1,837	1,079	-41.3%
Non-Business Chapter 7	224,497	207,553	-7.5%
Non-Business Chapter 11	204	178	-12.7%
Non-Business Chapter 13	46,608	38,566	-17.3%
*Total	279,692	252,668	-9.7%
Terminations	284,499	279,154	-1.9%
**Pending Cases	220,122	193,636	-12.0%

*Includes Chapter 9 and Section 304 cases

**Pending cases for 2003 has been revised.

to 15.7 percent of the total cases filed. Under Chapter 13 bankruptcy, creditors may be repaid in installments, in full or in part, over three to five years and debts may not exceed the statutory amount. Chapter 13 is available for individuals operating businesses as sole proprietorships, but not for partnerships or corporations.

The two smallest categories of bankruptcy cases combined amounted to less than 1 percent of the total cases filed. Chapter 11

filings (business and non-business) numbered 1,212 cases, while Chapter 12 cases amounted to only 14 cases.

Chapter 11 allows a business to continue to operate while its owners formulate a plan to repay its creditors. It also allows an individual to use future earnings to pay off creditors. Chapter 12 only applies to business filings and provides family farmers a chance to reorganize their debts and keep their farms.

Non-Business Filings Predominate

Non-business bankruptcy filings of all types totaled 246,297 and comprised 97.5 percent of all bankruptcy cases filed in the Ninth Circuit in 2004. Non-business Chapter 7 filings were the largest single category with 207,553 cases filed in 2004, down 7.5 percent from the prior year. Non-business Chapter 7 cases accounted for 82 percent of all filings.

The second largest category of filings in the Ninth Circuit was non-business Chapter 13 cases, with 38,566 filings, or 15.3 percent of the total. Non-business Chapter 13 filings showed a 17.3 percent decline in 2004.

Non-business Chapter 11 bankruptcy filings, a small fraction of the total of non-business bankruptcies in the circuit, decreased 12.7 percent to 178 filings in 2004 from 204 filings in 2003.

Business Filings

Bankruptcy filings by businesses totaled 6,385 and accounted for 2.5 percent of all bankruptcy cases in the Ninth Circuit in 2004. The majority of these business bankruptcies were filed under Chapter 7. Total business Chapter 7 filings amounted to 4,258 cases, down 15 percent from 2003.

Chapter 13 business filings in 2004, totaling 1,079, showed a 41.3 percent decrease from the 2003's total of 1,837. Business bankruptcies brought under Chapter 11 in 2004



Chief Bankruptcy Judge Albert E. Radcliffe of the District of Oregon and Chief Judge Mary M. Schroeder of the U.S. Court of Appeals for the Ninth Circuit during a meeting of the Conference of Chief Bankruptcy Judges.

fell to 1,034 from 1,401 in 2003, a decrease of 26.2 percent.

Completing the business filings were 14 filings under Chapter 12, a decrease of 88.8 percent from the total of 125 filed in 2003.

Districts with the Most Filings

The Central District of California, the nation's largest bankruptcy court, continued to lead the nation in bankruptcy filings. In 2004, the Central District recorded 60,633 filings, which accounted for 3.8 percent of the national total. Chapter 7 cases, both business and non-business, made up the majority of filings in the Central District. Even so, total filings in the Central District were down 19.9 percent from 2003, and roughly half of the historic high of 120,987 cases in 1998.

The downturn in filings resulted in a reduction in staffing for the Central District, which let go 22 deputy clerks in April. Another 11 deputy clerks were separated via the court's voluntary buy-out program. Since 2001, the Court has laid off 72 employees with another 18 separated through buy-outs.

The Central District sought to assist departing employees by providing 30 days advanced notice and setting up a career transition center complete with computers, Internet connection, printers and fax machines. Affected staff met with counselors and re-employment specialists, who provided training in effective interviewing, targeted resume writing and job hunting techniques.

Bankruptcy Filings continued

Elsewhere in the Ninth Circuit, the District of Arizona had the second largest number of filings. The

district reported 31,387 cases, down 1.3 percent from 2003. The Eastern District of California was third with 28,985 filings, down 7 percent. Rounding out districts with the most filings was the Western District of Washington, which had 28,956 filings, down 3.7 percent from 2003.

Although numerically small, the Northern Mariana Islands was the only district in the circuit to report an increase in 2004 bankruptcy filings. Its filings rose to 23 from 19 in 2003, up 21.1 percent.

Terminations, Pending Cases

The circuit experienced a slight decrease in bankruptcy case terminations in 2004. For the year, bankruptcy courts closed 279,154 cases, down 1.9 percent from 2003. The total number of pending cases was 193,636, 12 percent less than the prior year. Within the circuit, the District of Nevada reported the largest decline, 25.8 percent.

Appointments, Transitions

The court of appeals appointed one new bankruptcy judge in 2004. Bruce Markell was appointed a judge for the U.S. Bankruptcy Court for the District of Nevada. Prior to his appointment, Judge Markell had been a professor at the William S. Boyd



Circuit Judge Michael Daly Hawkins of the Ninth Circuit Court of Appeals met during the year with chief bankruptcy judges to discuss the process used to evaluate and reappoint bankruptcy judges. The court of appeals holds statutory authority for such appointments.

School of Law at the University of Nevada at Las Vegas. He also taught previously at law schools at Harvard University, Indiana University, the University of California at Davis, and Emory University. Before teaching, Markell practiced law specializing in bankruptcy, insolvency, and general corporate matters.

To address the shortage of judges, Ninth Circuit bankruptcy courts continue to rely on recalled judges to relieve the

active bankruptcy judges. During 2004, nine recalled bankruptcy judges in seven districts assisted the 67 active bankruptcy judges.

The Northern District of California saw the elevation of Chief Bankruptcy Judge Randall J. Newsome at the beginning of 2004. Judge Newsome, a veteran of the bankruptcy bench for more than two decades, succeeded Judge Edward D. Jellen as presiding judge. His appointment runs through the end of 2010.

Bankruptcy Appellate Panel

The Ninth Circuit's Bankruptcy Appellate Panel (BAP) serves as an alternative forum to the district courts for bankruptcy appeals. All district courts within the Ninth Circuit automatically refer bankruptcy appeals to the BAP for disposition. If a party elects to have the appeal heard by a district court, the appeal is administratively transferred. The BAP is authorized seven judges, although one position has been held vacant the past two years due to reduced work load.

New Filings and Dispositions

Of the 828 bankruptcy appeals filed in 2004, the BAP handled 54 percent, while 46 percent were heard by district courts. The BAP disposed of 445 appeals during the year. Of those, 154 appeals were terminated on the merits and 291 on procedural grounds. Oral arguments were held in 148 appeals, and six appeals were submitted on briefs. Of the 154 decisions, 37 were published opinions. The reversal rate was 19.5 percent, down from 22.7 percent the prior year. The median time for an appeal decided on the merits was 9.7 months, up slightly from 2003. The BAP ended the period with 228 appeals pending (up 4.6 percent from 2003).

Appeals to the Ninth Circuit

Decisions of the BAP and district courts may be appealed to the Ninth Circuit Court of Appeals. In 2004, the circuit court received 80 appeals of BAP decisions and 133 of district court decisions. Thus, of the 445 appeals terminated by the BAP, 82 percent were fully resolved with only 18 percent seeking second-level review.

New Judge, Clerk for BAP

The Ninth Circuit Court of Appeals appointed Judge Erithe Smith of the Central District of California to the BAP in January. Harold S. Marenus, formerly chief deputy, was named BAP clerk in June, succeeding the retiring longtime clerk, Nancy Dickerson.



Judges of the Bankruptcy Appellate Panel. Seated from left: Judge Philip H. Brandt, Chief Judge Elizabeth L. Perris, Judge Christopher M. Klein. Standing from left: Judge Dennis Montali, Judge James M. Marlar, Judge Erithe Smith.

Table 3.1

NEW BANKRUPTCY APPEALS FOR CALENDAR YEAR 2004

District	*Bankruptcy Appellate Panel	**District Court	Total
Alaska	6	2	8
Arizona	42	42	84
C. Cal.	190	149	339
E. Cal.	42	29	71
N. Cal.	50	47	97
S. Cal.	20	16	36
Hawaii	5	16	21
Idaho	11	9	20
Montana	7	7	14
Nevada	54	35	89
Oregon	16	4	20
E. Wash.	4	6	10
W. Wash.	26	34	60
Total	473 (54%)	396 (46%)	869

* From BAP and the Administrative Office of the U.S. Courts

** From the Administrative Office of the U.S. Courts

Magistrate Judges

Table 4.0

CIVIL CASES TERMINATED, MISDEMEANOR DEFENDANTS DISPOSED OF BY NINTH CIRCUIT MAGISTRATE JUDGES, FISCAL YEARS 2003-2004

Activity	2003	2004	% Change 2003-2004
Total Matters	149,732	151,350	1.1%
Preliminary Proceedings	83,230	83,762	0.6%
Search Warrants	7,953	7,900	-0.7%
Arrest Warrants/Summonses	6,151	5,588	-9.2%
Initial Appearances	24,501	24,831	1.3%
Preliminary Examinations	5,355	5,173	-3.4%
Arraignments	16,162	16,719	3.4%
Detention Hearings	14,130	13,862	-1.9%
Bail Reviews/Nebbia Hearings	3,582	3,402	-5.0%
Other ⁵	5,396	6,287	16.5%
Trial Jurisdiction Cases	17,682	18,709	5.8%
Class A Misdemeanors	2,480	1,945	-21.6%
Petty Offenses	15,202	16,764	10.3%
Civil Consent	3,237	3,269	1.0%
Without Trial	3,144	3,171	0.9%
Jury Trial	48	62	29.2%
Nonjury Trial	45	36	-20.0%
Additional Duties			
Criminal	26,732	27,547	3.0%
Motions 636(b)(1)(A) ¹	11,642	11,792	1.3%
Motions 636(b)(1)(B)	725	737	1.7%
Evidentiary Hearings	188	240	27.7%
Pretrial Conferences ²	1,936	1,547	-20.1%
Probation/Supervised Release	1,304	1,357	4.1%
Guilty Pleas	5,297	5,892	11.2%
Other ³	5,640	5,982	6.1%
Civil			
Settlement Conferences	4,443	4,004	-9.9%
Other Pretrial Conferences ²	4,152	3,865	-6.9%
Motions 636(b)(1)(A) ¹	19,710	17,859	-9.4%
Motions 636(b)(1)(B)	1,416	1,309	-7.6%
Evidentiary Hearings	24	32	33.3%
Social Security	682	851	24.8%
Special Masterships	39	39	0.0%
Other ⁴	6,179	4,529	-26.7%
Prisoner Litigation	6,007	5,477	-8.8%
State Habeas	3,231	2,751	-14.9%
Federal Habeas	511	508	-0.6%
Civil Rights	2,225	2,175	-2.2%
Evidentiary Hearings	40	43	7.5%
Miscellaneous Matters ⁶	12,844	12,586	-2.0%

NOTES

¹ Before 2000, category included contested motions only. Beginning in 2000, uncontested motions were added.

² Before 2000, category did not include status conferences. Beginning in 2000, status conferences were added.

³ Category includes writs, mental competency hearings, and motion hearings.

⁴ Category includes fee applications, summary jury trials, and motion hearings.

⁵ Category includes material witness hearings and attorney appointment hearings.

⁶ Before 2000, this category included seizure/inspection warrants and orders of entry; judgment debtor exams; extradition hearings, contempt proceedings; Criminal Justice Act fee applications; naturalization proceedings; grand jury returns; civil and criminal IRS enforcement proceedings; calendar calls; and voir dire. Beginning in 2000, civil and criminal other jury matters and international prisoner transfer proceedings were added.

Magistrate Judges



The Ninth Circuit Magistrate Judges Executive Board meets twice a year to consider issues affecting magistrate judges. Serving on the board in 2004 were: seated from left, Magistrate Judges Richard G. Seeborg; Barry Kurren; Virginia Mathis; Robert N. Block; standing from left, Magistrate Judges Lawrence J. O'Neill; Robert J. Johnston; J. Kelley Arnold, chair; Janice M. Stewart; Harry Branson. Not pictured: Magistrate Judges Leif B. Erickson and Bernardo P. Velasco.

Table 4.1

CIVIL CASES TERMINATED, MISDEMEANOR DEFENDANTS DISPOSED OF BY NINTH CIRCUIT MAGISTRATE JUDGES, FISCAL YEARS 2003-2004

District	Civil Cases Terminated Pursuant to 28 U.S.C. 636(c)			Misdemeanor, Petty Offense Defendants Disposed		
	2003	2004	Change 2003-2004	2003	2004	Change 2003-2004
Alaska	1	0	-100.0%	426	448	5.2%
Arizona	140	137	-2.1%	4,949	6,920	39.8%
C. Calif.	911	1,083	18.9%	1,705	1,351	-20.8%
E. Calif.	360	536	48.9%	2,192	1,803	-17.7%
N. Calif.	659	652	-1.1%	1,051	1,178	12.1%
S. Calif.	33	13	-60.6%	2,028	2,754	35.8%
Guam	-	0	-	-	2	-
Hawaii	268	49	-81.7%	1,165	653	-43.9%
Idaho	173	145	-16.2%	110	100	-9.1%
Montana	167	207	24.0%	244	180	-26.2%
Nevada	37	23	-37.8%	803	722	-10.1%
Oregon	224	212	-5.4%	788	850	7.9%
E. Wash.	190	155	-18.4%	39	35	-10.3%
W. Wash.	74	57	-23.0%	2,182	1,713	-21.5%
Circuit Total	3,237	3,269	1.0%	17,682	18,709	5.8%

Federal Public Defender Caseloads Rise

Indigent defendants charged with federal crimes who are unable to afford private counsel receive legal representation from a Federal Public Defender, a Community Defender or private attorneys funded through the Criminal Justice Act.

In the Ninth Circuit, the bulk of this representation comes from federal public defenders, who have offices in 10 judicial districts. Community defenders serve four districts, while the District of the Northern Mariana Islands relies on attorneys provided through the Criminal Justice Act.

Congress created the Office of the Federal Public Defender to fulfill the constitutional requirement that indigents charged with federal crimes be provided with no-cost, professional legal representation. Congress funds public defender and community defender offices through the Defender Services Division of the Administrative Office of the United States Courts.

Subsection (g) of the Criminal Justice Act provides an option for establishment of either a federal public defender or a community defender organization in a district in which at least 200 persons annually require the appointment of counsel. Community defender organizations are non-profit legal service organizations staffed by non-government employees, while public defender offices are federal agencies staffed by employees of the judiciary. Both types of organizations are staffed with experienced federal criminal

Table 5.0

FEDERAL PUBLIC DEFENDERS: CASES OPENED, CLOSED AND PENDING FOR FISCAL YEAR ENDING SEPTEMBER 30, 2004

Cases	Fiscal Year		Change 2003-2004
	2003	2004	
Opened	23,539	24,543	4.27%
Closed	23,247	24,215	4.16%
Pending	7,944	8,287	4.32%

law practitioners who are able to provide a consistently high level of representation.

In addition to criminal defense and appeals, public defenders are assigned to court-directed prisoner and witness representations, bail and presentencing, and probation and parole revocation hearings.

Case Filings, Pending Cases Increase

Federal public defenders and community defenders have seen their caseloads increase in four of the last five years. In fiscal year 2004, they opened 24,543 new cases, up 4.27 percent over the prior fiscal year. The Ninth Circuit claimed 24.3 percent of all new defender cases opened nationwide.

The pending caseload of Ninth Circuit public and community defenders rose 4.32 percent in

fiscal year to 8,287 cases. In addition, federal defenders closed 24,215 cases, a 4.16 percent increase from the prior fiscal year.

Largest Caseloads in Border States

Defender offices in the districts of Arizona and California, which have had the largest caseloads since 2000, led the way again in fiscal year 2004. Federal public defenders in Arizona had the biggest caseload in the circuit with 5,664 new cases, a significant increase of 44.9 percent. The Southern District of California followed with 5,313 new cases, down 6.6 percent from the previous year. The district's caseload has been steadily decreasing since reaching a high of 6,135 cases in FY 2000.

The Central District of California ranked third in the circuit with

Table 5.1

FEDERAL DEFENDER ORGANIZATIONS: SUMMARY OF REPRESENTATIONS BY DISTRICT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2004

District	Opened 09/30/2003	Opened 09/30/2004	Change 2003-2004	Closed 09/30/2004	Pending 09/30/2004
Alaska	357	327	-8.4%	295	128
Arizona	3,910	5,664	44.9%	5,532	1,167
C. Calif.	3,521	3,566	1.3%	3,184	1,670
E. Calif.	2,188	1,766	-19.3%	1,868	675
N. Calif.	930	945	1.6%	871	542
*S. Calif.	5,688	5,313	-6.6%	5,550	907
Guam	109	129	18.3%	130	47
Hawaii	701	676	-3.6%	663	558
*Idaho	271	303	11.8%	298	132
*Montana	554	641	15.7%	605	253
Nevada	1,260	1,261	0.1%	1,240	697
Oregon	1,582	1,471	-7.0%	1,512	786
*E. Wash.	750	714	-4.8%	689	297
W. Wash.	1,718	1,767	2.9%	1,778	428
Circuit Total	23,539	24,543	4.3%	24,215	8,287
National Total	88,925	101,015	13.6%	87,252	34,182
Circuit Total as % of National Total	26.5%	24.3%	-2.2%	27.8%	24.2%

*Community Defender Organizations (E. Wash. and Idaho are combined into one organization.)

In addition to handling criminal defenses and appeals, public defenders are assigned to court-directed prisoner and witness representations, bail/pre-sentencing, an

Northern Mariana Islands is not served by a defender organization.

3,566 new defender cases in fiscal year 2004. The district's caseload has followed an upward trend since 2000, when 2,657 new cases were reported.

Defenders Reappointed

By statute, the judges of the court of appeals select and appoint federal public defenders. The court makes its initial appointment after a nationwide recruitment and the use of a local screening committee. A federal public defender may be

reappointed if the court concludes that he or she is performing in a highly satisfactory manner based upon a broad survey and performance evaluation process. The Ninth Circuit Court of Appeals reappointed two federal public defenders in 2004:

Quin A. Denvir, the federal public defender for the Eastern District of California since 1996, was reappointed in February 2004 to a third consecutive four-year term. Prior to his appointment, he had

been a criminal defense lawyer in both federal and state courts. Peter Wolff, the federal public defender for the District of Hawaii since 1996, also was reappointed to a third consecutive four-year term. Mr. Wolff had been a criminal defense lawyer in both federal and state courts. He also served on the faculty of the Hawaii State Public Defender Institute of Trial Advocacy and was an arbitrator for the Hawaii State Court Annexed Arbitration Program.

Circuit Probation Caseload Dips, But Some Districts See Increases

The United States Probation Office assists in the administration of justice by preparing presentence investigation reports on convicted offenders and by supervising offenders placed on probation, supervised release, parole and conditional release.

Federal probation officers perform their duties in many different settings, from courthouses in large metropolitan areas to one-person offices in rural communities. They are recognized nationally for delivering the highest quality services.

In fiscal year 2004, the U.S. Probation Office reported a new national record of 112,883 persons under supervision, up 2 percent from the prior fiscal year. In the Ninth Circuit, there were 19,472 persons under supervision, a 1 percent decrease from FY 2003. The Ninth Circuit accounted for 17.2 percent of the national total.

Among the Ninth Circuit's 15 judicial districts, the Central District of California had the highest number of offenders under supervision, although its caseload slipped from the prior fiscal year. The Central District reported 5,535 supervised offenders, down 5.3 percent from FY 2003. The District of Arizona was second highest with 2,993 offenders under supervision, up 9 percent, while the Southern District of California ranked third highest with 1,924 supervised offenders, up 2.2 percent.

The largest percentage increase in caseload was reported by the

Table 6.0

NINTH CIRCUIT FEDERAL PROBATION SYSTEM: PERSONS UNDER SUPERVISION, 2004

Persons Under Supervision	Fiscal Year		Change 2003-2004
	2003	2004	
From Courts	5,542	5,163	-6.8%
From Institutions	14,118	14,309	1.4%
Total	19,660	19,472	-1.0%

District of Hawaii, which had 751 persons under supervision, up 15.5 percent from 650 in FY 2003.

Both nationally and in the Ninth Circuit, drug offenses continue to account for the majority of offenders under supervision. At the end of calendar year 2004, 7,659 persons were under supervision in the Ninth Circuit for drug law violations, amounting to 40.6 percent of the total caseload. The second largest categories was fraud, with a total of 3,503 cases under supervision, or 18 percent of the total, followed by larceny, with 1,177 offenders, or 6.1 percent; and robbery with 1,127 cases, or 5.8 percent.

Revocation Rates

National revocation rates rose to 29.1 percent in FY 2004, compared to 22.9 percent for the prior fiscal year. Of that figure, 18.2 percent were for technical violations, 9.7

percent for major crimes and 1 percent for minor crimes. The Ninth Circuit's revocation rate was below the national average at 24.6 percent, which marked a 4.2 percent improvement over the circuit's FY 2003 numbers.

Early Terminations

The Criminal Law Committee of the Judicial Conference of the United States and the U.S. Office of Probation and Pretrial Services continue to recommend that all districts assess the suitability of offenders for early termination of supervision. In FY 2004, the District of Arizona had the largest number of cases terminated early, 325 or 9 percent of its total caseload. The Southern District of California followed with 303 cases, also 9 percent of its caseload. The Western District of Washington was third with 288 cases terminated early, which was 28 percent of its caseload. The Western District

Table 6.1

NINTH CIRCUIT PROBATION SYSTEM: PERSONS UNDER SUPERVISION BY DISTRICT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2004

District	Referred by United States Courts		Referred by Institutions		2003 Total Cases	2004 Total Cases	Change 2003-2004
	District Judge Probation	Magistrate Judge Probation	Supervised Release	Other			
Alaska	71	33	178	2	278	284	2.2%
Arizona	776	312	1,820	85	2,746	2,993	9.0%
C. Calif.	1,199	134	3,995	207	5,847	5,535	-5.3%
E. Calif.	279	153	1,002	73	1,528	1,507	-1.4%
N. Calif.	336	160	924	62	1,625	1,482	-8.8%
S. Calif.	179	24	1,683	38	1,882	1,924	2.2%
Hawaii	129	52	559	11	650	751	15.5%
Idaho	118	16	226	13	353	373	5.7%
Montana	153	15	417	8	577	593	2.8%
Nevada	236	46	642	86	1,023	1,010	-1.3%
Oregon	241	9	713	92	1,077	1,055	-2.0%
E. Wash.	83	5	373	5	424	466	9.9%
W. Wash.	205	129	869	83	1,443	1,286	-10.9%
Guam	50	0	107	4	153	161	5.2%
N. Mariana Is.	20	0	32	0	54	52	-3.7%
Circuit Total	4,075	1,088	13,540	769	19,660	19,472	-1.0%

of Washington had the highest percentage of early terminations, followed by the District of Alaska at 27 percent, and the Northern District of California at 14 percent. The average among all districts in the Ninth Circuit was 10.6 percent.

Transitions, New Initiatives

New chief probation officers were appointed in two districts in 2004. Jerry Cooley was named the new chief in the District of Montana, replacing the retiring Frank Fleming. Loretta Martin was chosen the new chief in the Central District of California, replacing Robert Latta, who also retired. Ms. Martin previously served as chief in the Virgin Islands.

Two probation officers from the Eastern District of Washington were invited to Romania to give presentations to Romanian criminal justice officials. Officers Gloria Petretee and Al Barrett were accompanied by representatives of the Romanian Ministry of Justice, and made presentations in Bucharest and five smaller cities.

In February 2004, the Office of Probation and Pretrial Services was granted partner organization status with the Federal Law Enforcement Training Center (FLETC). The first course being offered to probation officers is a three-week safety program for new officers. OPPS also has plans

to train all firearms and safety instructors at FLETC.

Budget Matters

Budget reductions in fiscal year 2004 made reductions in force (RIFs) necessary in some districts. In the Ninth Circuit, five staff members left through RIFs, 19 through buyouts and five through early-outs. There was also one district that eliminated 10 positions.

Budgetary constraints also have caused probation offices in the Ninth Circuit and nationwide to identify and fund only the most crucial investigative and supervision work being performed.

Case Activations Hold Steady for Pretrial Services Officers

The United States Pretrial Services Office provides the bail reports used by judges to decide whether defendants will be detained or released and closely monitors those defendants who are released under supervision.

The Ninth Circuit ranked first nationally in the number of cases activated by pretrial services officers in its judicial districts. Case activations for 2004 were 23,720, down 0.7 percent from the prior year. The Ninth Circuit had 24.2 percent of the 97,897 case activations reported nationally.

Most districts in the Ninth Circuit reported small to moderate declines in their pretrial services workload, a turnabout from 2003 when almost all districts had significant increases. However, the prior year trend continued in three districts that reported substantial gains in caseload.

Those districts with expanding workloads were: Arizona with 8,512 active cases, up 15 percent; the Central District of California with 3,363 cases, up 23.4 percent; and Montana with 520 cases, up 3.4 percent. The biggest decline was reported by the Southern District of California, whose caseload fell to 4,120 from 5,334, a 22.8 percent decrease. Among smaller districts, Guam saw a 25.4 percent decline in case activations to 106 from 142, and Hawaii was down 18.6 percent to 459 from 564.

**All statistics are for the calendar year of 2004 unless otherwise*

Table 7.0

PRETRIAL SERVICES CASES ACTIVATED IN NINTH CIRCUIT COURTS, 2004

Caseload Measure	2003	2004	Change 2003-2004
Reports	23,345	23,183	-0.7%
Interviews	8,526	10,419	22.2%
Cases Activated	23,892	23,720	-0.7%

Pretrial Investigations, Defendant Supervisions Increase

Pretrial services officers conducted significantly more bail investigations of defendants in 2004. Interviews of defendants rose 22.2 percent from the prior year, while the number of pretrial reports increased by 4 percent. Officers recommended detention in 64.7 percent of all cases, an increase of 3.4 percent from 2003. At the same time, U.S. attorneys' offices in the circuit recommended detention in 65.1 percent of the cases, up slightly from 63.4 percent in 2003.

Pretrial services officers assist the courts in reducing the rate of unnecessary detentions, while at the same time reasonably ensuring the safety of the community and future court appearances of released defendants. To achieve these goals, officers work diligently to make sure that released

defendants make scheduled court appearances and are not re-arrested while on release. This work often involves utilizing the services of contracted substance abuse, mental health, residential treatment, and electronic and global-positioning-satellite monitoring.

During 2004, 6,103 defendants were released from custody and placed under the supervision of Ninth Circuit pretrial services officers, an increase of 5 percent from 2003. Of those, 4,639 were placed on standard pretrial services supervision, a 7.3 percent decrease; 1,220 were supervised on a courtesy basis from another district or circuit, a 0.8 percent decrease; and 177 were on pretrial diversion caseloads, a 2.8 percent increase.

Nonappearance, Re-Arrests, Bond Violations

The rate of bail revocation due to nonappearance and/or re-arrest of

Table 7.1

PRETRIAL SERVICES INTERVIEWS AND REPORTS, 2004

District	Defendant Contact			Written Reports		Total Cases Activated		Change 2003-2004
	Interviewed	*Not Interviewed	Refused Interview	Prebail	Postbail & Other	2003	2004	
Alaska	145	86	35	250	1	275	266	-3.3%
Arizona	4,180	3,597	735	8,396	58	7,395	8,512	15.1%
C. Calif.	2,231	207	925	3,087	46	2,726	3,363	23.4%
E. Calif.	378	92	577	1,026	20	1,174	1,047	-10.8%
N. Calif.	438	649	2	603	414	1,208	1,089	-9.9%
S. Calif.	324	17	3,779	4,018	78	5,334	4,120	-22.8%
Hawaii	341	109	9	456	3	564	459	-18.6%
Idaho	304	2	0	303	1	354	306	-13.6%
Montana	334	184	2	495	14	503	520	3.4%
Nevada	550	88	355	973	17	1,079	993	-8.0%
Oregon	358	21	467	827	3	973	846	-13.1%
E. Wash.	182	105	199	230	189	525	486	-7.4%
W. Wash.	547	815	195	1,553	1	1,579	1,557	-1.4%
Guam	73	29	4	82	3	142	106	-25.4%
N. Mariana Is.	34	14	2	36	0	61	50	-18.0%
Circuit Total	10,419	6,015	7,286	22,335	848	23,892	23,720	-0.7%
National Total	69,418	15,373	13,106	86,994	7,020	95,695	97,897	2.3%
Circuit % of National Total	15.0%	39.1%	55.6%	25.7%	12.1%	25.0%	24.2%	-0.7%

*Includes defendants not available for interview and transfer-received cases in which defendants were interviewed in other districts.

supervised defendants continues to be significantly low. In 2004, the district courts of the Ninth Circuit revoked bail for only 847 of the 10,876 defendants under supervision and ordered them returned to detention pending the outcome of their case.

Bond violations also declined in 2004. Violations of bond conditions for defendants released in the Ninth Circuit totaled 2,107, a 7.9 percent decrease from 2003. Of these violations, 1,464 occurred

pre-adjudication, up 1.9 percent increase; 551 occurred prior to sentencing, down 24.4 percent; and 92 occurred while pending self-surrender to custody, down 24.6 percent.

Of the 2,107 violations reported in 2004, the court chose not to modify bond conditions in 1,113 of these violations, a 6.2 percent decrease, and these defendants were allowed to remain in the community. Another 147 violations resulted in modification of bond

conditions, a 2.8 percent increase. Bail was revoked and defendants were detained in 847 of the 2,107 violations reported, or 40.2 percent of all violations, an 11.5 percent decrease.

Supervised defendants found to be in violation totaled 1,157, a 2.8 percent decrease from 2003. Of these violators, 183 had committed new offenses, down 1.1 percent, while the remaining defendants were cited for technical violations.

District Caseloads



Table 8.0

DISTRICT OF ALASKA				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	604	544	-9.9%	181
Terminations	696	583	-16.2%	194
*Pending	530	491	-7.4%	164
Bankruptcy Court				
Filings	1,510	1,508	-0.1%	754
Terminations	1,707	1,529	-10.4%	765
Pending	1,384	1,363	-1.5%	682
Authorized Judgeships				
District	3	Authorized places of holding court: Anchorage, Fairbanks, Juneau, Ketchikan,		
Bankruptcy	2	Kodiak, Nome		
Magistrate				
Full time	2			
Part-time	4			

*Total pending cases revised for 2003.

Table 9.0

DISTRICT OF ARIZONA				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	7,741	8,356	7.9%	643
Terminations	7,638	7,637	0.0%	587
*Pending	5,960	6,679	12.1%	514
Bankruptcy Court				
Filings	31,811	31,387	-1.3%	4,484
Terminations	29,922	34,857	16.5%	4,980
Pending	33,325	29,855	-10.4%	4,265
Authorized Judgeships				
District	13	Authorized places of holding court: Flagstaff, Phoenix, Prescott, Tucson, Yuma		
Bankruptcy	7			
Magistrate				
Full time	12			
Part-time	0			

*Total pending cases revised for 2003.

District Caseloads

Table 10

CENTRAL DISTRICT OF CALIFORNIA				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	14,719	15,834	7.6%	566
Terminations	14,854	15,211	2.4%	543
*Pending	13,743	14,366	4.5%	513
Bankruptcy Court				
Filings	75,712	60,633	-19.9%	2,887
Terminations	81,837	69,020	-15.7%	3,287
Pending	39,228	30,841	-21.4%	1,469
Authorized Judgeships				
District	28	Authorized places of holding court: Los Angeles, Riverside, Santa Ana		
Bankruptcy	21			
Magistrate				
Full time	22			
Part-time	1			

*Total pending cases revised for 2003.

Table 11

EASTERN DISTRICT OF CALIFORNIA				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	5,590	5,265	-5.8%	752
Terminations	4,914	5,038	2.5%	720
*Pending	6,358	6,585	3.6%	941
Bankruptcy Court				
Filings	31,166	28,985	-7.0%	4,831
Terminations	31,176	31,114	-0.2%	5,186
Pending	21,515	19,386	-9.9%	3,231
Authorized Judgeships				
District	7	Authorized places of holding court: Fresno, Redding, Sacramento		
Bankruptcy	6			
Magistrate				
Full time	10			
Part-time	0			

*Total pending cases revised for 2003.

Table 12

NORTHERN DISTRICT OF CALIFORNIA				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	6,839	6,453	-5.6%	461
Terminations	6,252	6,372	1.9%	455
*Pending	7,484	7,565	1.1%	540
Bankruptcy Court				
Filings	22,948	21,819	-4.9%	2,424
Terminations	21,593	24,206	12.1%	2,690
Pending	24,298	21,911	-9.8%	2,435
Authorized Judgeships			Authorized places of holding court:	
District	14		Eureka, Monterey, Oakland, San Francisco,	
Bankruptcy	9			
Magistrate				
Full time	10			
Part-time	1			

*Total pending cases revised for 2003.

Table 13

SOUTHERN DISTRICT OF CALIFORNIA				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	6,460	6,120	-5.3%	471
Terminations	6,187	6,175	-0.2%	475
*Pending	3,637	3,582	-1.5%	276
Bankruptcy Court				
Filings	11,833	11,259	-4.9%	2,815
Terminations	13,222	12,512	-5.4%	3,128
Pending	8,590	7,337	-14.6%	1,834
Authorized Judgeships			Authorized places of holding court:	
District	13		El Centro, San Diego	
Bankruptcy	4			
Magistrate				
Full time	10			
Part-time	0			

*Total pending cases revised for 2003.

District Caseloads

Table 14

DISTRICT OF GUAM				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	155	152	-1.9%	152
Terminations	138	149	8.0%	149
*Pending	199	202	1.5%	202
Bankruptcy Court				
Filings	367	346	-5.7%	343
Terminations	310	399	28.7%	319
Pending	266	213	-19.9%	248
Authorized Judgeships			Authorized place of holding court:	
District	1		Hagatna	
Bankruptcy	0			
Magistrate				
Full time	1			
Part-time	0			

The Guam district judge also handles all bankruptcy cases.

*Total pending cases revised for 2003.

Table 15

DISTRICT OF HAWAII				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	1,318	1,210	-8.2%	303
Terminations	1,867	1,166	-37.5%	292
*Pending	1,353	1,397	3.3%	349
Bankruptcy Court				
Filings	3,795	3,112	-18.0%	3,112
Terminations	3,899	3,290	-15.6%	3,290
Pending	2,467	2,289	-7.2%	2,289
Authorized Judgeships			Authorized place of holding court:	
District	4		Honolulu	
Bankruptcy	1			
Magistrate				
Full time	3			
Part-time	1			

*Total pending cases revised for 2003.

Table 16

DISTRICT OF IDAHO				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	831	902	8.5%	451
Terminations	837	877	4.8%	439
*Pending	889	914	2.8%	457
Bankruptcy Court				
Filings	9,660	9,488	-1.8%	4,744
Terminations	9,946	9,060	-8.9%	4,530
Pending	7,510	7,938	5.7%	3,969
Authorized Judgeships			Authorized places of holding court:	
District	2		Boise, Coeur d'Alene, Moscow, Pocatello	
Bankruptcy	2			
Magistrate				
Full time	2			
Part-time	0			

*Total pending cases revised for 2003.

Table 17

DISTRICT OF MONTANA				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	1,172	1,175	0.3%	392
Terminations	1,081	1,120	3.6%	373
*Pending	1,178	1,233	4.7%	411
Bankruptcy Court				
Filings	4,385	4,332	-1.2%	4,332
Terminations	4,710	4,258	-9.6%	4,258
Pending	3,199	3,273	2.3%	3,273
Authorized Judgeships			Authorized places of holding court:	
District	3		Billings, Butte, Great Falls, Helena,	
Bankruptcy	1		Kalispell, Missoula	
Magistrate				
Full time	3			
Part-time	1			

*Total pending cases revised for 2003.

District Caseloads

Table 18

DISTRICT OF NEVADA				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	3,170	3,242	2.3%	463
Terminations	3,120	3,081	-1.3%	440
*Pending	3,112	3,273	5.2%	468
Bankruptcy Court				
Filings	20,561	16,912	-17.7%	5,637
Terminations	22,746	25,030	10.0%	8,343
Pending	31,481	23,363	-25.8%	7,788
Authorized Judgeships		Authorized places of holding court:		
District	7	Carson City, Elko, Ely, Las Vegas,		
Bankruptcy	3	Lovelock, Reno		
Magistrate				
Full time	6			
Part-time	0			

*Total pending cases revised for 2003.

Table 19

DISTRICT OF NORTHERN MARIANA ISLANDS				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	82	74	-9.8%	74
Terminations	58	82	41.4%	82
*Pending	92	84	-8.7%	84
Bankruptcy Court				
Filings	19	23	21.1%	20
Terminations	14	27	92.9%	9
Pending	34	30	-11.8%	41
Authorized Judgeships		Authorized place of holding court:		
District	1	Saipan		
Bankruptcy	0			
Magistrate				
Full time	0			
Part-time	0			

The Northern Mariana Islands district judge also handles all bankruptcy cases.

*Total pending cases revised for 2003.

Table 20

DISTRICT OF OREGON				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	3,208	3,225	0.5%	538
Terminations	2,804	3,040	8.4%	507
*Pending	2,989	3,174	6.2%	529
Bankruptcy Court				
Filings	25,370	24,455	-3.6%	4,891
Terminations	23,078	25,615	11.0%	5,123
Pending	18,037	16,877	-6.4%	3,375
Authorized Judgeships		Authorized places of holding court:		
District	6	Coquille, Eugene, Klamath Falls,		
Bankruptcy	5	Medford, Pendleton, Portland		
Magistrate				
Full time	6			
Part-time	1			

*Total pending cases revised for 2003.

Table 21

EASTERN DISTRICT OF WASHINGTON				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	1,488	1,423	-4.4%	356
Terminations	1,245	1,451	16.5%	363
*Pending	1,179	1,151	-2.4%	288
Bankruptcy Court				
Filings	10,480	9,453	-9.8%	4,727
Terminations	10,339	9,583	-7.3%	4,792
Pending	8,668	8,538	-1.5%	4,269
Authorized Judgeships		Authorized places of holding court:		
District	4	Richland, Spokane, Walla Walla, Yakima		
Bankruptcy	2			
Magistrate				
Full time	2			
Part-time	0			

*Total pending cases revised for 2003.

District Caseloads

Table 22

WESTERN DISTRICT OF WASHINGTON				
Caseload Measure	Calendar Year		Change 2003-2004	Per Judgeship Unweighted 2004
	2003	2004		
District Court				
Filings	6,159	4,827	-21.6%	690
Terminations	4,041	4,811	19.1%	687
*Pending	5,072	5,088	0.3%	727
Bankruptcy Court				
Filings	30,075	28,956	-3.7%	5,791
Terminations	30,000	28,654	-4.5%	5,731
Pending	20,120	20,422	1.5%	4,084
Authorized Judgeships			Authorized places of holding court:	
District	7		Bellingham, Seattle, Tacoma	
Bankruptcy	5			
Magistrate				
Full time	5			
Part-time	2			

*Total pending cases revised for 2003.



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