

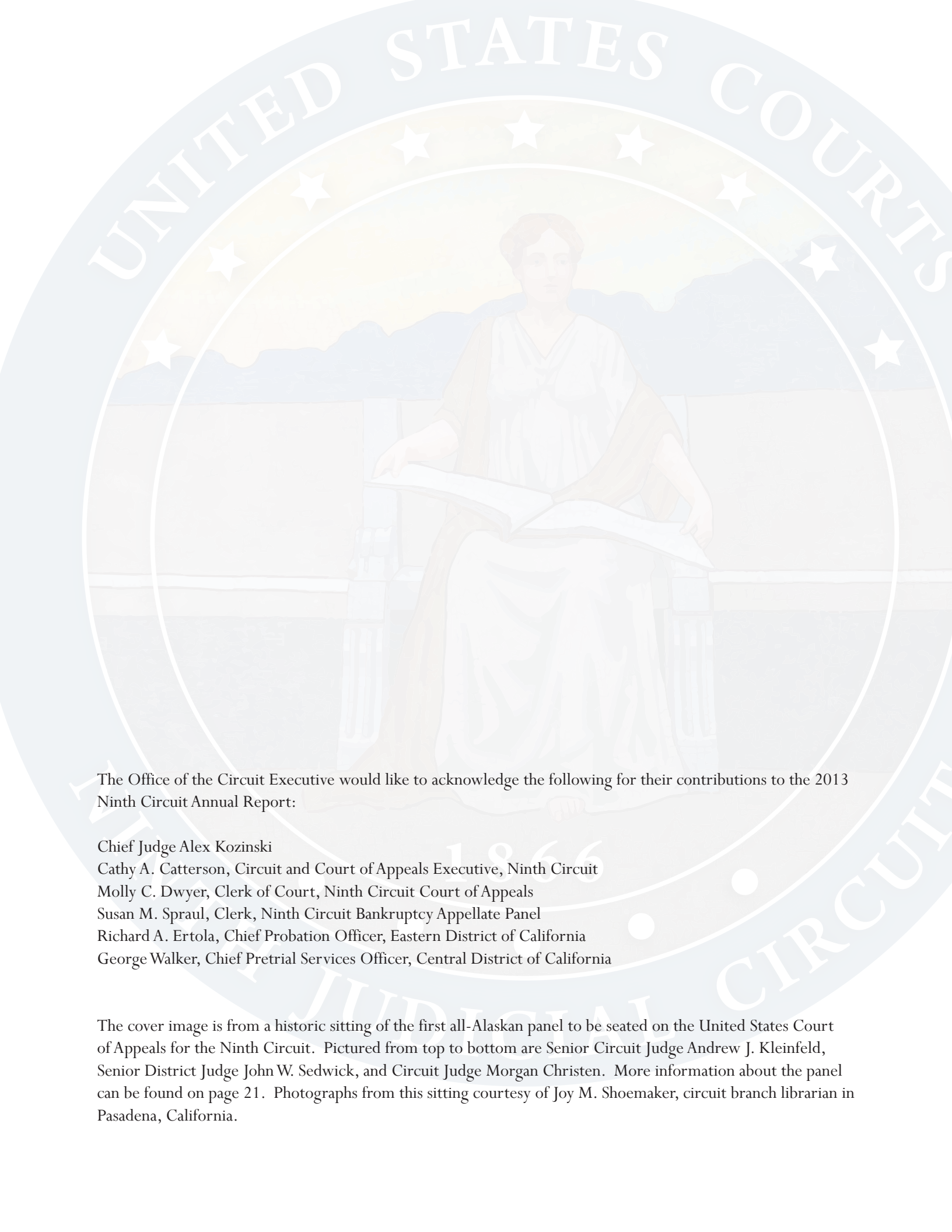
UNITED STATES COURTS

FOR THE

NINTH CIRCUIT

2013 ANNUAL REPORT





The Office of the Circuit Executive would like to acknowledge the following for their contributions to the 2013 Ninth Circuit Annual Report:

Chief Judge Alex Kozinski

Cathy A. Catterson, Circuit and Court of Appeals Executive, Ninth Circuit

Molly C. Dwyer, Clerk of Court, Ninth Circuit Court of Appeals

Susan M. Spraul, Clerk, Ninth Circuit Bankruptcy Appellate Panel

Richard A. Ertola, Chief Probation Officer, Eastern District of California

George Walker, Chief Pretrial Services Officer, Central District of California

The cover image is from a historic sitting of the first all-Alaskan panel to be seated on the United States Court of Appeals for the Ninth Circuit. Pictured from top to bottom are Senior Circuit Judge Andrew J. Kleinfeld, Senior District Judge John W. Sedwick, and Circuit Judge Morgan Christen. More information about the panel can be found on page 21. Photographs from this sitting courtesy of Joy M. Shoemaker, circuit branch librarian in Pasadena, California.



JUDICIAL COUNCIL OF THE NINTH CIRCUIT

MISSION STATEMENT

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.



Seated from left are Circuit Judge Richard R. Clifton, Circuit Judge Sidney R. Thomas, Chief Circuit Judge Alex Kozinski, Circuit Judge Richard A. Paez, and Senior District Judge Anthony W. Ishii. Standing middle row from left are Chief District Judge Ann L. Aiken, Chief District Judge George H. King, Chief Probation Officer Richard A. Ertola, Bankruptcy Court Clerk Jan Samuel Ostrovsky*, District Court Clerk Sue Beitia*, and Chief District Judge Raner C. Collins. Standing back row from left are Chief Pretrial Services Officer George Walker, Chief District Judge Ralph R. Beistline, and Senior District Judge Susan Y. Illston.

Not pictured: District Judge Audrey B. Collins, Chief Bankruptcy Judge Christopher M. Klein, District Judge Robert S. Lasnik, District and Bankruptcy Court Clerk Elizabeth “Libby” A. Smith, District Court Clerk Terry Nafisi, Circuit Judge Richard C. Tallman, Senior Circuit Judge J. Clifford Wallace.

*Terms for the following members expired and were replaced by Bankruptcy and District Court Clerk Elizabeth “Libby” A. Smith and District Court Clerk Terry Nafisi.

TABLE OF CONTENTS

NINTH CIRCUIT OVERVIEW

- 1 Foreword
- 3 Ninth Circuit Overview
- 4 Judicial Council and Administration

JUDICIAL TRANSITIONS

- 8 New Judges
- 15 Senior Judges
- 17 In Memoriam

NINTH CIRCUIT HIGHLIGHTS

- 20 Justice O'Connor Sits with Ninth Circuit
- 20 Appellate Lawyer Reps Produce Practice Guide
- 21 Ninth Circuit's First All-Alaskan Panel
Makes History
- 22 Federal Bar Honors Ninth Circuit, Northern
California Judges
- 23 Internet Streaming Comes of Age at Court
of Appeals
- 24 New Clerks Gather for Orientation Program
- 25 First African-American Leads Arizona Federal Court
- 26 'Transitions' Seminar Helps Judges Plan Ahead
- 27 Northern District Judge Recalls 1963 Civil Rights
Movement
- 28 Committee Updates Jury Trial Procedures Manual
- 29 Webinars Bring Legal Discussions to the Desktop
- 30 Magistrate Judges Workshop Focuses on
Competency Hearings
- 31 Sacramento Celebrates Justice Kennedy
Learning Center
- 33 2013 Ninth Circuit New Judges' Orientation
- 34 Circuit Offers Training for Pacific Island Courts
- 34 Ninth Circuit Joins Online Repository
- 35 Portrait Unveiling Marks Jurist's 25th Year of Service
- 36 Judges Receiving Awards in 2013
- 37 Court Staff, Law School Recognized for ADR Efforts
- 38 Government, Private Sector Confront
'SuperStorm' Crisis
- 39 Administrative Changes

SPACE & SECURITY

- 42 Courthouses under construction
- 43 Courthouses completed
- 44 Ground Broken for Federal Courthouse
in Los Angeles
- 44 Ground Broken for New Courthouse
in Northern California

THE WORK OF THE COURTS

- 46 With Caseload Steady, Appeals Court Improves
Processing Time
- 48 Judges of the United States Court of Appeals
for the Ninth Circuit
- 51 District Court Caseloads Decline for Second Year
- 55 Bankruptcy Filings Down for Third Year
- 57 Appeals to Bankruptcy Appellate Panel
- 59 Magistrate Judges Fulfill Key Duties
- 62 Federal Defenders Cope with Sequestration
- 64 Probation Officers Carry On Despite
Budget Shortfall
- 66 Pretrial Services Officers Endure Funding Cuts
- 68 Juror Utilization
- 69 Court Interpreters
- 70 District Caseloads

FOREWORD

CHIEF JUDGE ALEX KOZINSKI



Most of us in the Judicial Branch will remember 2013 for the extraordinary efforts of judges and court staff to meet the challenges arising from sequestration and a prolonged government shutdown.

The budget cuts imposed in March under sequestration led to layoffs and furloughs of hundreds of judicial employees, disrupting federal court operations across the country. Particularly hard hit were offices of the Federal Public Defender, which provide representation to indigent criminal defendants as required under the Sixth Amendment and the Criminal Justice Act. In addition to implementing mandatory furloughs, the ten offices in the Ninth Circuit reduced their combined workforce by 121 positions, or 13.6 percent. The staff reductions resulted in eight of the ten offices reporting fewer new cases opened during the year. Unfortunately, cases not taken by the FPDs are referred to more costly private attorneys, thus eroding any savings that might have accrued from the workforce reductions.

Layoffs and furloughs also seriously impacted Pretrial Services and Probation offices. Fewer officers were available to monitor defendants and convicted offenders released into the community while awaiting trial or after serving sentences. And officers' use of important support services, such as drug testing and counseling for drug and sex offenders, was curtailed by lack of funds.

The 16-day government shutdown in October threatened to make an already bad situation even

worse. Fortunately, all of the federal courts in the Ninth Circuit remained open for business during the crisis. Doing so required no small amount of ingenuity and innovation by the courts, particularly in coordinating with federal agencies that were closed for the most part.

I am extremely proud of and grateful to all of our judges and staff for their perseverance and dedication during this difficult and uncertain time. The budget eventually adopted by Congress provided some additional funding to the Judiciary to help restore staff and services, for which we are grateful.

The 2013 Ninth Circuit Annual Report provides more information about the work of our courts. In addition to statistical profiles, it highlights other aspects of the administration of the federal justice system in the West. We hope you find it useful and encourage you to provide us with feedback.

In 2013, the workload for the Ninth Circuit Court of Appeals held steady with a small upturn in new filings and negligible increases in terminations and pending cases. Although the court renders important decisions in all areas of the law, prisoner petitions and immigration cases continue to predominate our docket. New filings dropped significantly in the district courts of the circuit, down 7 percent overall. Criminal filings dropped by 10 percent and civil filings by 5 percent. In the bankruptcy courts, new filings fell a precipitous 22 percent, indicative of further economic recovery after the long recession.

All of our courts are struggling to manage extremely large numbers of pro se litigants, who often do not understand filing requirements and legal processes, thus posing special challenges for judges and court staff. In the Ninth Circuit last year, self-represented litigants filed 52 percent of all new appeals, 34 percent

of all new civil cases in the district courts, and 18 percent of all new bankruptcy filings. Courts are responding with self-help centers, new or expanded mediation and pro bono representation programs, and vigorous outreach to state attorneys general and prison managers. The Ninth Circuit Pro Se Litigation Committee is helping lead these efforts.

A number of judicial vacancies were filled during the year. Eleven new judges were seated in the district courts of the circuit, which ended the year with 14 vacancies. Seven new bankruptcy judges and four new magistrate judges were appointed during the year. No new judges were seated on the Ninth Circuit Court of Appeals, which ended the year with 27 of 29 judgeships filled. Nominations for the two vacancies, which were not acted upon by Congress during the last session, were renewed by the president in early 2014. Both nominees were subsequently confirmed by the Senate, giving the court 29 judges for the first time in its history. We also mourned the passing of four judges serving on district and bankruptcy courts in Alaska, California and Nevada.


Our courts continue to make greater use of technology. In 2013, the Ninth Circuit Court of Appeals began live audio and video streaming of oral arguments, making the judicial process more accessible and transparent to the public. Anyone with an Internet connection can now see and hear what transpires in the courtroom

in real time from anywhere in the world. Ours is the first federal court to use Internet technology for this purpose. Also of note technology-wise is the further rollout of the CJA eVoucher System, which speeds up payments to attorneys and allows judges to better manage cases in which the government has provided legal counsel for indigent defendants. The system was developed by the district court in Nevada and will soon be implemented nationally.

There continues to be very positive interaction between the bench and bar in our circuit. Ninth Circuit lawyer representatives, who are chosen by judges of the court of appeals and each of the district courts of the circuit, are helping improve the practice of law in many ways. Our appellate lawyer representatives, for example, initiated a mentoring program and released in December a comprehensive practice manual focused on Ninth Circuit processes and procedures.

Construction is progressing on a new courthouse in downtown Los Angeles, long a top priority in the Ninth Circuit, with completion scheduled for 2015. The John M. Roll United States Courthouse in Yuma, Arizona, one of two new courthouses occupying leased space, was opened for occupancy late in the year. The courthouse is named after the late chief judge of the U.S. District Court for the District of Arizona, who was killed in the Tucson shooting rampage in 2011. Work continues on the

other leased-space courthouse, which is located in McKinleyville, California, and will replace an aging facility in nearby Eureka. Both new courthouses are designed to provide courtrooms and chambers, plus space for clerk's staff and other federal agencies.

As usual, many of our judges were recognized during the year and a complete list of their awards is found elsewhere in this report. Of particular note are the U.S. State Department's recognition of Chief Judge Emeritus J. Clifford Wallace of San Diego for his ongoing leadership in international rule-of-law programs, and the presentation of the American Bar Association's Thurgood Marshall Award to Senior District Judge Thelton E. Henderson of the Northern District of California. Also of note was the election of Circuit Judge M. Margaret McKeown of San Diego as the new president of the Federal Judges Association, which focuses on the preservation of the Judiciary as an independent branch of government, and Senate confirmation of Senior District Judge Charles R. Breyer of the Northern District of California to a seat on the U.S. Sentencing Commission. He is the first commission member to be drawn from the Ninth Circuit. 2013 also marked 50 years of combined service on federal and state courts for District Judge Edward J. Lodge of the District of Idaho, and 25 years of combined service for Circuit Judge Susan P. Graber of Portland. Our congratulations to all of these distinguished jurists. 

NINTH CIRCUIT OVERVIEW

The United States Courts for the Ninth Circuit consists of the U.S. Court of Appeals for the Ninth Circuit, the federal trial and bankruptcy courts in the 15 judicial districts within the circuit, and associated administrative units that provide various services to the courts.

Judicial districts within the Ninth Circuit include 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. The establishment of the Ninth Circuit in 1866 began the development of the federal judicial system for the western United States. It is the largest and busiest of federal circuits.

Judges serving on the circuit and district courts are known as Article III judges, a reference to the article in the Constitution establishing the federal judiciary. Nominated by the president and confirmed by the Senate, Article III judges serve lifetime appointments upon good behavior. The Ninth Circuit Court of Appeals is authorized 29 judgeships and ended 2013 with two vacant positions. For most of the year, the district courts of the circuit were authorized 112 judgeships, 14 of which were vacant at the end of the year.

Federal courts also rely on senior circuit and senior district judges to assist with their workload. These are Article III judges who are eligible to retire but have chosen to continue working with reduced caseloads. On the Ninth Circuit Court of Appeals, 16 senior circuit judges were at work during the year, sitting on merits and motions panels, serving on circuit and national judicial committees, and handling a variety of administrative matters. In the district courts within the circuit, 68 senior judges

hold their positions for eight years. Bankruptcy and magistrate judges may be reappointed.


In 2013, authorized magistrate judge positions in the district courts included 103 full-time, 10 part-time, and 1 combined position of clerk of court/part-time magistrate judge. Bankruptcy courts in the Ninth Circuit were authorized 68 permanent and five temporary judgeships. Several courts also utilized recalled bankruptcy and recalled magistrate judges.



were at work, hearing cases, presiding over procedural matters, serving on committees and conducting other business in 2013.

In addition to Article III judges, the federal bench includes Article I judges, who serve as magistrate judges in the district courts and bankruptcy judges in the bankruptcy courts. Bankruptcy judges are appointed by judges of the courts of appeals and serve terms of 14 years. Magistrate judges are appointed by the judges of each district court and

The District of Northern Mariana Islands has combined the positions of clerk of court and part-time magistrate judge into a single position. Heather L. Kennedy assumed her post as clerk of court on April 11, 2013, and was appointed as a part-time magistrate judge on June 13, 2013.

Overall, the Ninth Circuit courts experienced decreased caseloads in 2013. Unless otherwise noted, statistics in this report cover the 2013 fiscal year. 

JUDICIAL COUNCIL & ADMINISTRATION

Judicial Council, Advisory Groups and Administration

The Judicial Council of the Ninth Circuit is the governing body for federal district and bankruptcy courts in nine western states and two Pacific island jurisdictions. The judicial 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. It 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 judicial council also has been delegated responsibilities by the Judicial Conference of the United States, the national governing body for the federal courts. These responsibilities include authorizing senior judge staffing levels and pay, and managing the judicial misconduct complaint process.

In governing the circuit, the judicial council relies on advisory groups and committees to accomplish its goals. Chairs of three advisory groups attend council meetings as observers and sometimes as voting members. Committee chairs report to the council as needed.

Newly appointed to the Judicial Council of the Ninth Circuit in 2013 were Circuit Judge Richard A. Paez of Pasadena, California, Chief District Judge Raner C. Collins of the District of Arizona, and Senior District Judge Susan Y. Illston of the Northern District of California. Circuit Judge Richard R. Clifton of Honolulu and Chief District Judge Ralph R. Beistline of the District of Alaska were appointed to serve on the Judicial Council Executive Committee.

New judicial council observers include Chief District Judge Ann L. Aiken of the District of Oregon, District Judge Audrey B. Collins of the Central District of California, Chief Bankruptcy Judge Christopher M. Klein of the Eastern District of California, District Court Clerk Terry Nafisi of the Central District of California, District and Bankruptcy Court Clerk Elizabeth "Libby" Smith of the District of Idaho, Chief Probation Officer Richard A. Ertola of the Eastern District of California, and Chief Pretrial Services Officer George Walker of the Central District of California.

Under the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the Judicial Council of the Ninth Circuit considers

petitions for review of the chief judge's orders in judicial misconduct complaints. In 2013, there were 40 petitions for review filed and all 40 petitions were resolved by the judicial council.

Conference of Chief District Judges

The Conference of Chief District Judges advises the Judicial Council of the Ninth Circuit regarding the administration of justice in the circuit's 15 district courts. The conference, which meets twice a year, is comprised of the chief district judge of each district. Chief District Judge Frances Marie Tydingco-Gatewood of the District of Guam served as chair from 2012 to 2013. She was succeeded by Chief District Ann L. Aiken of the District of Oregon, who will chair the conference until February 2014. Elevated to chief district judge during the year were Judges Dana L. Christensen of the District of Montana and Raner C. Collins of the District of Arizona.

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 conference, which also meets twice per year, consists of the chief bankruptcy judge from each district, the chief bankruptcy judge of the Ninth Circuit Bankruptcy Appellate Panel and a recalled bankruptcy judge representative. Chief Bankruptcy Judge Frank L. Kurtz of the Eastern District of Washington chaired the conference from October 2012 to September 2013. He was succeeded by Chief Bankruptcy Judge Christopher M. Klein of the Eastern District of California, who will chair the conference until September 2014.

Judge Randolph J. Haines of the District of Arizona was elevated to chief bankruptcy judge of the district, and Judge Randall L. Dunn of District of Oregon was elevated to chief judge of the Bankruptcy Appellate Panel or BAP.

Magistrate Judges Executive Board

The Magistrate Judges Executive Board communicates to the Judicial Council of the Ninth Circuit on behalf of the more than 115 full-time, part-time and recalled magistrate judges serving in the district courts. The 15-member board meets twice a year and holds a session with all magistrate judges at the Ninth Circuit Judicial Conference. Chief Magistrate Judge Candy W. Dale of the District of Idaho succeeded Magistrate Judge David K. Duncan of the District of Arizona, as chair of the board. Her term began in July 2012 and will expire in July 2014.

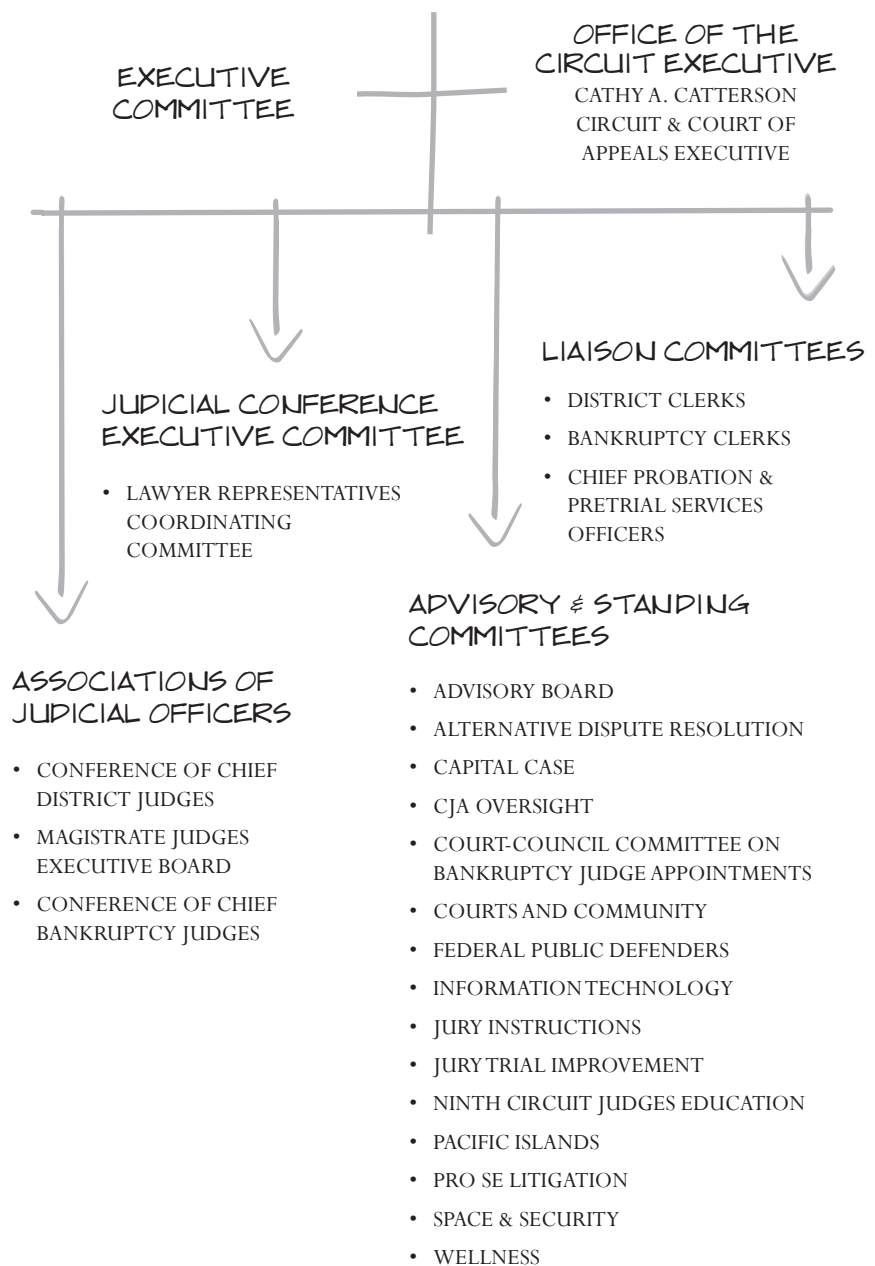
Clerks of Court

Day-to-day management of the courts rests with the chief judges and clerks and/or district executives of the court of appeals and each of the district and bankruptcy courts of the circuit. 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. The clerk of court for the court of appeals also supervises the work of the Circuit Mediation Office and the Office of the

JUDICIAL COUNCIL OF THE NINTH CIRCUIT

CHIEF JUDGE ALEX KOZINSKI



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

Associated Court Units

Ninth Circuit courts also rely on several important court-related agencies to ensure the fair administration of justice. The district courts maintain oversight of U.S. Probation and Pretrial Services offices. Pretrial services officers are responsible for background investigations and reports on defendants awaiting trial, while probation officers supervise persons convicted of federal crimes after their release into the community. All but one judicial district in the circuit is served by either federal public defender or community defenders, who represent indigent defendants unable to afford private counsel. Indigent defendants in the District of Northern Mariana Islands are represented by private attorneys provided by the District of Guam and paid through the federal Criminal Justice Act.

Circuit Libraries

The Ninth Circuit Library System assists judges, attorneys, court staff and the public through a network of 24 law libraries housed in courthouses throughout the


western states. The primary mission of court librarians is to provide research services to judges and their staff. Research librarians assist law clerks on case-related research by providing guidance and recommendations, offering training opportunities, and performing direct research on more complex topics. Librarians also conduct research to assist court executives and judges in the administration of local courts and on matters involving committees of the Judicial Council of the Ninth Circuit and the Judicial Conference of the U.S. Library resources are also made available to the bar and public with the level of access determined by local judges.

Office of the Circuit Executive

The Office of the Circuit Executive provides staff support to the Judicial Council of the Ninth Circuit and implements the council's administrative decisions and policies. By statute, the circuit executive is the administrative assistant to the chief judge of the circuit and secretary to the council. The circuit executive and her staff assist in identifying circuit-wide needs, conducting studies, developing and implementing policies, and 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 Ninth Circuit Judicial Conference.

Lawyer Representatives

Judges of the Ninth Circuit Court of Appeals and of each of the 15 district courts of the circuit appoint lawyer representatives. Lawyer representatives serve as a liaison between the federal bench and bar, fostering open communications between judges and lawyers, and providing support and advice in the functioning of the courts within the circuit. Attorneys serving as lawyer representatives work closely with district, bankruptcy and magistrate judges in their home districts. They participate as members of various committees and help plan local district conferences, often serving as speakers or facilitators. Lawyer representatives also help plan the annual Ninth Circuit Judicial Conference, which is convened "for the purpose of considering the business of the courts and advising means of improving the administration of justice within the circuit," pursuant to 28 U.S.C. § 333. 

2013 Orientation

May 2-3

Welcome to the



JUDICIAL TRANSITIONS

Bankruptcy Judge Brenda Moody Whinery of the District of Arizona attends the 2013 New Judges Orientation held in San Francisco.

NEW DISTRICT JUDGES

Jennifer A. Dorsey was confirmed as a district



judge for the United States District Court for the District of Nevada on July 9, 2013, and received her commission on the same day.

Prior to her appointment, Judge Dorsey had been with the law firm of Kemp, Jones & Coulthard LLP

in Las Vegas. She joined the firm in 1997 and became an equity partner in 2004. She also worked previously as a law clerk for Totaro & Shanahan in Santa Ana, California, from 1996 to 1997. Judge Dorsey received her B.A. in 1994 from the University of Nevada at Las Vegas, graduating cum laude, and her J.D. in 1997, also cum laude, from Pepperdine University School of Law, where she was a staff member of the Pepperdine Law Review. She served as a congressional intern for U.S. Senator Richard Bryan and as a judicial extern for Circuit Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit. Judge Dorsey maintains chambers in Las Vegas.

Andrew P. Gordon was confirmed as a district judge



for the U.S. District Court for the District of Nevada on March 11, 2013, and received his commission on March 12, 2013. Prior to his appointment to the bench, Judge Gordon had worked with the law firm of McDonald Carano Wilson

LLP in Las Vegas. He joined the firm in 1994 and had served as a partner since 1997. Before that, he engaged in private practice at the law firm of Dawson & Associates in Las Vegas from 1992 to 1994 and at the law firm of Streich Lang Weeks & Cardon in Phoenix from 1987 to 1992. Judge Gordon received his B.A. in 1984 from Claremont McKenna College, where he graduated cum laude, and his J.D. from Harvard Law School in 1987. He maintains chambers in Las Vegas.

Michael J. McShane was confirmed as a district



judge for the U.S. District Court for the District of Oregon on May 20, 2013, and received his commission on May 30, 2013. Prior to his

appointment to the federal bench, Judge McShane had served as a judge of the Oregon Circuit Court, Fourth

Judicial District, in Multnomah County since 2001. He served on Oregon's Death Penalty Panel from 2003 to 2012 and served as a circuit court judge pro tem in Multnomah County from 1997 to 2001. Prior to that, he held several positions, including staff attorney, senior felony attorney, and misdemeanor supervisor, at the Metropolitan Public Defender Services, Inc., in Portland, Oregon, from 1988 to 1997. Judge McShane received his B.A., magna cum laude, from Gonzaga University in 1983, and his J.D., with honors, from Northwestern School of Law of Lewis and Clark College in 1988. He maintains chambers in Eugene.

Brian M. Morris was confirmed as a district judge for the U.S. District Court for the District of Montana on December 12, 2013, and received his commission on December 17, 2013. Prior to his appointment to the federal bench, he had served as justice of the Montana Supreme Court since 2005. He had served previously as solicitor for the State of Montana since 2001 and as a senior legal officer for United Nations Compensation Commission from 2000 to 2001. Judge Morris engaged in private practice at the law firm of Goetz, Madden & Dunn, PC, in Bozeman from 1995 to 2000 and was a legal assistant for the Iran-United States Claims Tribunal in The Hague from 1994 to 1995. Judge Morris received both his B.A. and M.A. from Stanford University in 1987 and his J.D., with distinction, from Stanford Law School in 1992. He clerked for Judge John T. Noonan, Jr., of the U.S. Court of Appeals for the Ninth Circuit from 1992 to 1993 and for Chief Justice William H. Rehnquist of the U.S. Supreme Court from 1993 to 1994. Judge Morris maintains chambers in Great Falls.

Troy L. Nunley was confirmed as a district judge for the U.S. District Court for the Eastern District of California on March 23, 2013, and received his commission on March 26, 2013.



Prior to his appointment to the federal bench, Judge Nunley had served as a judge for the

Sacramento County (California) Superior Court since 2002. Prior to coming onto the bench, he had served as a deputy attorney general of the Criminal Division in the Office of the Attorney General for the State of California since 1999. He also worked as a deputy district attorney for Sacramento County from 1996 to 1999 and as a deputy district attorney for Alameda County from 1991 to 1994. Judge Nunley received his B.A. from St. Mary's College in 1986 and his J.D. from the University of California, Hastings College of the Law, in 1990. He maintains chambers in Sacramento.

Beverly Reid O'Connell was confirmed as a district judge for the U.S. District Court for the Central District of California on April 15, 2013, and received her commission on April 30, 2013. Prior to her appointment to the federal bench, Judge O'Connell had served as a



judge for the Los Angeles County Superior Court. She was appointed to the state court in 2005 and elevated to supervising judge in 2011. Earlier in her career, Judge O'Connell held several positions in the Office of the U.S. Attorney for the Central District of California, including senior litigation counsel, Organized Crime Strike Force, from 2003 to 2005; deputy chief, General Crimes Section, from 1999 to 2003; and assistant U.S. attorney from 1995 to 2005. She began her career as an associate at the Los Angeles law firm of Morrison & Foerster from 1990 to 1995. Judge O'Connell received her B.A. from the University of California, Los Angeles, in 1986 and

her J.D. in 1990 from Pepperdine University School of Law, where she graduated magna cum laude and served as managing editor of the Pepperdine Law Review. She maintains chambers in Los Angeles.

Fernando M. Olguin was confirmed as a district judge for the U.S. District Court for the Central District of California on December 17, 2012, and received his commission on January 16, 2013. Judge Olguin had previously served as a



magistrate judge for the Central District of California since 2001. He came onto the bench after engaging in private practice as a partner at Traber, Voorhees & Olguin in Pasadena, California, from 1995 to 2001. Earlier in his career, Judge Olguin worked as a national director of the Mexican-American Legal Defense and Educational Fund's Education Program from 1994 to 1995 and as a trial attorney for the Civil Rights Division of the U.S. Department of Justice from 1991 to 1994. Judge Olguin received his B.A. from Harvard University in 1985, his M.A. from the University of California, Berkeley, in 1989, and his J.D. from UC Berkeley Law, also in 1989. Following law school, Judge Olguin clerked for Senior District Judge Charles A. Muecke of the U.S. District Court for the District of Arizona from 1989 to 1991. He maintains chambers in Los Angeles.

NEW DISTRICT JUDGES *continued*

William H. Orrick, III, was confirmed as a district



judge for the U.S. District Court for the Northern District of California on May 15, 2013, and received his commission on May 16, 2013. Prior to his appointment to the bench, Judge Orrick had served as special

counsel at the San Francisco law firm of Coblenz, Patch, Duffy & Bass LLP, where he had engaged in private practice for over 25 years. He joined the firm as an associate in 1984 then became a partner in 1988. From 2009 to 2012, he worked for the U.S. Department of Justice as a counselor to the assistant attorney general in the Civil Division then as a deputy assistant attorney general for the Civil Division's Immigration Litigation Unit. Judge Orrick received his B.A., cum laude, from Yale University in 1976 and his J.D., cum laude, from Boston College Law School in 1979. He is the son of the late U.S. District Judge William H. Orrick, Jr., who served on the Northern District bench from 1974 to 2003. Judge Orrick maintains chambers in San Francisco.

Jon S. Tigar was confirmed as a district judge for the



U.S. District Court for the Northern District of California on December 21, 2012, and received his commission on January 18, 2013. Prior to his appointment to the federal bench, Judge Tigar had served as a judge of the Alameda

County (California) Superior Court since 2002. Prior to coming onto the bench, Judge Tigar had engaged in private practice at the San Francisco law firm of Kecker & Van Nest LLP. He joined the firm in 1994 and became a partner in 1997. Earlier in his career, he served as a trial attorney in the Office of the Public Defender in San Francisco from 1993 to 1994 and worked as a litigation associate at the San Francisco law firm of Morrison & Foerster LLP from 1990 to

1992. Judge Tigar received his B.A. from Williams College in 1984 and his J.D. from the University of California, Berkeley, School of Law, in 1989. Following law school, he clerked for Judge Robert S. Vance of the U.S. Court of Appeals for the 11th Circuit. He maintains chambers in San Francisco.

Derrick Kahala Watson was confirmed as a district



judge for the U.S. District Court for the District of Hawaii on April 18, 2013, and received his commission on April 23, 2013. Prior to his appointment to the bench, Judge Watson had served in the Office of the U.S. Attorney

for the District of Hawaii as an assistant U.S. attorney from 2007 to 2009 and as chief of the Civil Division from 2009 to 2013. He also served as an assistant U.S. attorney in the Northern District of California from 1995 to 2000 and was the deputy chief of the Civil Division from 1999 to 2000. Judge Watson joined the law firm of Farella Braun & Martel LLP in San Francisco in 2000 and became a partner in 2003. He began his legal career at the law firm of Landels, Ripley & Diamond LLP in San Francisco, where he was an associate from 1991 to 1995. Judge Watson received his A.B. from Harvard College in 1988 and his J.D. from Harvard Law School in 1991. A Hawaiian native, he is a 1984 graduate of the Kamehameha Schools in Honolulu, where he maintains chambers.

NEW BANKRUPTCY JUDGES

Susan P. Watters was confirmed as a district judge for the U.S. District Court for the District of Montana on December 12, 2013, and received her commission on December 18, 2013. Judge Watters had served as a judge of the Montana District Court, 13th Judicial District, since 1998. Prior to her appointment to the state bench, Judge Watters had worked as a senior associate at Hendrickson, Everson, Noennig & Woodward, PC, in Billings, Montana, since 1996 and was a sole practitioner of Watters Law Firm from 1995 to 1996. Judge Watters served as a deputy county attorney for the Yellowstone County Attorney's Office from 1989 to 1995. She received her B.A., with honors, from Eastern Montana College, now Montana State University, in 1980, and her J.D. from the University of Montana School of Law in 1988. Judge Watters maintains chambers in Billings.



Eddward P. Ballinger was appointed a bankruptcy judge for the U.S. Bankruptcy Court for the District of Arizona on February 15, 2013. Prior to his appointment, Judge Ballinger had been a judge of the Maricopa County (Arizona) Superior Court since 1998. He served on the Maricopa County Juvenile Court from 2010 to 2013 and on the Maricopa County Criminal Court as an associate presiding judge from 2000 to 2002 and as the presiding judge from 2002 to 2005. Before coming onto the state court bench, Judge Ballinger had worked at Brown and Bain P.A., now Perkins Coie, in Phoenix, as an associate from 1981 to 1986 and as a partner from 1986 to 1998. Judge Ballinger graduated from Ohio State University, receiving his B.A., with honors, in 1976, and his M.B.A. and J.D. in 1979. He received an LL.M. from New York University in 1981. He maintains chambers in Phoenix.



Hannah L. Blumenstiel was appointed a bankruptcy judge for the U.S. Bankruptcy Court for the Northern District of California on February 11, 2013. Prior to coming onto the bench, Judge Blumenstiel had practiced with Winston & Strawn LLP in San Francisco. She joined the firm in 2003 and had been a partner since 2008. She also worked as an associate at Murphy Sheneman Julian & Rogers, now Winston & Strawn LLP, from 2001 to 2003. She clerked for Judge Donald E. Calhoun, Jr., of the U.S. Bankruptcy Court for the Southern District of Ohio from 2000 to 2001 and for Judge Charles M. Caldwell from 1998 to 2001. Judge Blumenstiel worked as an intern and an assistant attorney general in the Office of the Attorney General for the State of Ohio from 1996 to 1998. Judge Blumenstiel received her B.A. from Ohio State University in 1992 and her J.D. in 1997 from Capital University Law School in Columbus,



NEW BANKRUPTCY JUDGES *continued*

Ohio, where she served as a member of the Order of the Barristers and on the school's National Moot Court Team. She maintains chambers in San Francisco.

Daniel P. Collins was appointed a bankruptcy judge for the U.S. Bankruptcy Court for the District of Arizona on January 18, 2013. Prior to his appointment, he had been a partner since 2004 at Collins, May, Potenza, Baran & Gillespie in Phoenix, serving on the firm's management committee until



2012. His earlier career also included private practice in Phoenix as a partner at Leonard, Collins & Kelly, P.C., from 1994 to 1993, and as an associate then partner at Rawlins, Burrus, Lewkowitz & Feinstein, P.C., from 1983 to 1994. He had served as an arbitrator on commercial panels for the American Arbitration Association since the 1990s and as a mediator in bankruptcy and state court matters prior to his appointment. Judge Collins received his B.S. from the University of Arizona in 1980 and his J.D. in 1983 from UA James E. Rogers College of Law, where he was part of the Moot Court Travel Team during his third year of law school. He maintains chambers in Phoenix.

Frederick Corbit was appointed a bankruptcy judge for the U.S. Bankruptcy Court for the Eastern District of Washington on September 19, 2013. Prior to his appointment, Judge Corbit had worked as a senior attorney for Northwest Justice Project in Seattle since 2007. He engaged in private practice as a partner at the former Heller Ehrman LLP in Seattle from 1989 to 2007. Judge Corbit received his B.A., magna cum laude and Phi Beta Kappa, from the University of Washington in 1977 and his J.D. from the University of California, Los Angeles, School of Law, in 1980. He clerked for Judge Kenneth Treadwell of the U.S. Bankruptcy Court for the Western District of



Washington and for Chief Justice Robert Utter of the Washington State Supreme Court. Judge Corbit completed a program on negotiation at Harvard Law School and received a mediation certificate in 2005. He maintains chambers in Spokane.

Laurel E. Davis was appointed a bankruptcy judge for the U.S. Bankruptcy Court for the District of Nevada on July 12, 2013. Prior to her appointment, she had engaged in private practice as director at the law firm of Fennemore Craig, P.C., in Las Vegas since 2007. Before that, she worked at Lionel Sawyer & Collins in Las Vegas as a partner from 1994 to 2007 and as an associate from 1987 to 1993. Judge Davis received her B.S. from the University of Nevada, Las Vegas, in 1983 and her J.D., magna cum laude, from the University of San Diego School of Law in 1987. She maintains chambers in Las Vegas.



August B. Landis was appointed a bankruptcy judge for the U.S. Bankruptcy Court for the District of Nevada on November 27, 2013. Before coming onto the bench, Judge Landis had served in the U.S. Trustee Program of the Department of Justice since 2005 and had been the acting U.S. trustee for Region 17 since 2010. Earlier in his career, Judge Landis had practiced at Whitfield & Eddy, P.L.C., in Des Moines, Iowa, as a member attorney from 1996 to 2005 and as an associate attorney from 1990 to 1995. He also had been an associate at Neiman, Neiman, Stone & Spellman, PC, in Des Moines from 1987 to 1989. Judge Landis received his B.S. from Drake University in 1984 and his J.D. in 1987 from Drake Law School, where he served as a staff member of the Drake Law Review. He maintains chambers in Las Vegas.



NEW MAGISTRATE JUDGES

Brenda Moody Whinery was appointed a bankruptcy judge for the U.S. Bankruptcy Court for the District of Arizona on February 1, 2013. Prior to her appointment, Judge Whinery had been a partner at Mesch, Clark & Rothschild, P.C., in Tucson since 2002. She served as the U.S. trustee for the District of Arizona from 1998 to 2002. Prior to her public service, Judge Whinery worked as an associate in 1985 and became a partner in 1991 at the Phoenix law firm of Ryley, Carlock & Applewhite. She received her B.S., with high distinction, from the University of Arizona in 1982 and her J.D. in 1985 from the UA James E. Rogers College of Law, where she was the note editor of the Arizona Law Review. Judge Whinery maintains chambers in Tucson.



Nancy J. Koppe was appointed a magistrate judge for the U.S. District Court for the District of Nevada on January 1, 2013. Prior to her appointment, Judge Koppe had served as an assistant U.S. attorney for the Office of the U.S. Attorney for the District of Nevada since 2000. She served as an assistant district attorney in Philadelphia from 1992 to 2000. Judge Koppe received her B.A. from the University of Pennsylvania in 1989 and her J.D. from Cornell Law School in 1992. She served as chair of the Ninth Circuit's Lawyer Representatives Coordinating Committee in 2012 and as a member of the Ninth Circuit's Conference Executive Committee from 2010 to 2012. Judge Koppe maintains chambers in Las Vegas.

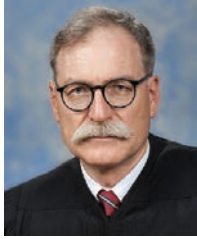


Douglas F. McCormick was appointed a magistrate judge for the U.S. District Court for the Central District of California on August 23, 2013. Prior to his appointment, Judge McCormick had served as an assistant U.S. attorney in the Office of the U.S. Attorney for the Central District of California since 2001 and had held the position of deputy chief since 2007. He engaged in private practice at Latham & Watkins in Costa Mesa, California, from 1997 to 2001. He clerked for Circuit Judge Charles E. Wiggins of the U.S. Court of Appeals for the Ninth Circuit from 1996 to 1997 and for District Judge Gary L. Taylor of the U.S. District Court for the Central District of California from 1995 to 1996. Judge McCormick received his B.A., magna cum laude and Phi Beta Kappa, from the University of California, Irvine, in 1991 and his J.D. in 1995 from the UCLA School of Law, where he was a member of the Order of the Coif. He maintains chambers in Santa Ana.



NEW MAGISTRATE JUDGES *continued*

John T. Rodgers was appointed a magistrate judge for the U.S. District Court for the Eastern District of Washington on September 1, 2013. Prior to coming onto the bench, Judge Rodgers had served as director of the Spokane County Public Defender's Office since 2003. He served as a criminal defense attorney in state and federal courts in Washington State from 1978 to 2003. Judge Rodgers received his B.A. in English literature and B.A. in business administration from the University of Washington in 1975 and his J.D. from Gonzaga University School of Law in 1978. He maintains chambers in Spokane.



Alka Sagar was appointed a magistrate judge for the U.S. District Court for the Central District of California on August 21, 2013. Judge Sagar is the first woman of Indian-American descent to serve as a federal judge. Prior to her appointment, she had served since 1987 as an assistant U.S. attorney for the Office of the U.S. Attorney in the Central District of California, where she had held the positions of deputy chief of the Major Frauds Section since 2001 and deputy chief of the Major Crimes Section since 1991. Judge Sagar served as judge pro tem for the Los Angeles County Superior Court from 2004 to 2006. She engaged in private practice in Los Angeles as an associate at Bronson, Bronson & McKinnon from 1984 to 1986 and at Solish, Jordan & Weiner from 1986 to 1987. Judge Sagar received her B.A., summa cum laude and Phi Beta Kappa, from the University of California, Los Angeles, in 1981 and her J.D. from the UCLA School of Law in 1984. She maintains chambers in Los Angeles.



NEW SENIOR JUDGES

Judge Richard F. Cebull was confirmed as a district



judge for the District of Montana on July 20, 2001, and received his commission on July 25, 2001. He served as chief judge of the district from 2008 to 2013. Judge Cebull assumed senior status on March 18, 2013, and retired from the bench on

May 3, 2013. Prior to his appointment, he served as a magistrate judge for the District of Montana from 1998 to 2001. Judge Cebull engaged in private practice as a partner at Brown, Gerbase, Cebull, Fulton, Harman & Ross in Billings, Montana, from 1972 to 1998 and as a partner at Longan, Holmstrom & Cebull, also in Billings, from 1969 to 1972. Judge Cebull received his B.A. from Montana State University in 1966 and his J.D. from the University of Montana School of Law in 1969. He maintained chambers in Billings.

Judge Raymond C. Fisher was confirmed as a circuit



judge for the U.S. Court of Appeals for the Ninth Circuit on October 5, 1999, and received his commission on October 12, 1999. He assumed senior status on March 31, 2013.

Prior to his appointment to the bench, Judge Fisher had served as an associate attorney general for the U.S. Department of Justice since 1997. He served as president of the California Police Commission in Los Angeles from 1995 to 1997; as deputy general counsel for the Independent Commission on the Los Angeles Police Department in 1990; and as member of the L.A. City Civil Service Commission from 1984 to 1989. Judge Fisher received his B.A. from the University of California, Santa Barbara, in 1961 and his LL.B. from Stanford Law School in 1966. Following law school, he clerked for Judge J. Skelly Wright of the U.S. Court of Appeals for the D.C. Circuit from 1966 to 1967 and for Associate Justice William J. Brennan, Jr., of the Supreme Court of the United States from 1967 to 1968. He maintains chambers in Pasadena.

Judge Irma E. Gonzalez was confirmed and



received her commission as a district judge for the U.S. District Court for the Southern District of California on August 12, 1992. She served as chief judge of the district from 2005 to 2012. Judge Gonzalez assumed senior status on

March 29, 2013, and retired from the bench on October 25, 2013. Prior to her appointment, Judge Gonzalez had served as a judge of the San Diego County Superior Court since 1991 and as a U.S. magistrate judge for the Southern District of California from 1984 to 1991. She worked as an associate at the law firm of Seltzer, Caplan, Wilkins and McMahon in San Diego from 1981 to 1984. Judge Gonzalez served as an assistant U.S. attorney for the Central District of California from 1979 to 1981 and for the District of Arizona from 1975 to 1979. She received her B.A. from Stanford University in 1970 and her J.D. from the University of Arizona School of Law in 1973. Following law school, she clerked for Judge William C. Frey of the U.S. District Court for the District of Arizona from 1973 to 1975. She maintained chambers in San Diego.

Judge Susan Y. Illston was confirmed as a district



judge for the U.S. District Court for the Northern District of California on May 25, 1995, and received her commission on May 26, 1995. She assumed senior status on July 1, 2013. Prior to her appointment to the bench, she had

engaged in private practice at Cotchett, Illston and Pitre in Burlingame, California, since 1973. Judge Illston received her B.A., summa cum laude, from Duke University in 1970 and her J.D., Phi Beta Kappa, from Stanford Law School in 1973. She maintains chambers in San Francisco.

NEW SENIOR JUDGES continued

Judge Frederick J. Martone was confirmed as a district judge for the U.S. District Court for the District of Arizona on December 13, 2001, and received his commission on December 21, 2001. He assumed senior status on January 30, 2013. Prior to his appointment to the federal bench, Judge Martone



had served as justice of the Arizona Supreme Court since 1992 and as judge of the Maricopa County (Arizona) Superior Court from 1985 to 1992. Prior to that, he engaged in private practice in Phoenix from 1973 to 1985. Judge Martone received his B.S. from College of Holy Cross in 1965, his J.D. from Notre Dame Law School in 1972, and his LL.M. from Harvard Law School in 1975. He maintains chambers in Phoenix.

Judge Roslyn O. Silver was confirmed as a district judge for the U.S. District Court for the District of Arizona on October 7, 1994, and received her commission on October 11, 1994. She served as chief district judge from 2011 to 2013 before assuming senior status on September 3, 2013.



Prior to coming onto the bench, she served as chief of the Criminal Division in the Office of the U.S. Attorney for the District of Arizona from 1989 to 1994 and from 1980 to 1984, and as an assistant U.S. attorney from 1986 to 1994. Earlier in her career, she worked as a trial attorney for the U.S. Equal Employment Opportunity Commission, a partner in a Phoenix law firm, in-house labor counsel for Greyhound Corp., and as an advisor and litigator for the Education Division of the Native American Rights Fund, Navajo Nation. Judge Silver received her B.A. from the University of California, Santa Barbara in 1968 and her J.D. from Arizona State University College of Law in 1971. She clerked for Justice Lorna Lockwood of the Arizona Supreme Court from 1971 to 1972. Judge Silver maintains chambers in Phoenix.

Judge Lonny R. Suko was confirmed as a district judge for the U.S. District Court for the Eastern District of Washington on July 15, 2003, and received his commission on July 16, 2003. He served as chief judge of the district from 2009 to 2011 and assumed senior status on November



1, 2013. Prior to his appointment to the bench, he had served as a magistrate judge for the Eastern District of Washington from 1995 to 2003 and as a part-time magistrate judge for the district from 1971 to 1991. Before joining the federal bench, Judge Suko engaged in private practice as an associate then partner at Lyon, Weigand, Suko and Gustafson, P.S., in Yakima from 1969 to 1995. He received his B.A. from Washington State University in 1965 and his J.D. from the University of Idaho College of Law in 1968. He maintains chambers in Yakima.

Judge James A. Teilborg was confirmed as a district judge for the U.S. District Court for the District of Arizona on October 3, 2000, and received his commission on October 13, 2000. He assumed senior status on January 30, 2013. Prior to his appointment, Judge Teilborg



engaged in private practice in Phoenix as a shareholder at Teilborg, Sanders and Parks from 1973 to 2000, as a partner at Dunn & Teilborg from 1972 to 1973, and as an associate at O'Connor, Cavanagh, Anderson, Westover, Killingsworth and Beshears from 1967 to 1972. Judge Teilborg did undergraduate work at Colorado State University and received his J.D. from the University of Arizona College of Law in 1966. He served as a lieutenant colonel on the U.S. Air Force Reserve from 1974 to 1997 and on the Air National Guard from 1966 to 1974. Judge Teilborg maintains chambers in Phoenix.

IN MEMORIAM

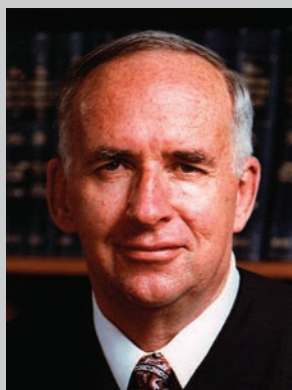


Bankruptcy Judge James R. Grube, 71, of the U.S. Bankruptcy Court for the Northern District of California died on December 1, 2013. Judge Grube was appointed a bankruptcy judge in 1988 and reappointed to a second term in 2002. He maintained chambers in San Jose until retiring from the bench in 2006. Prior to coming onto the bench, Judge Grube had been a partner at Campeau & Grube in San Jose since 1980. He was a partner at Murray & Grube in Palo Alto, California, from 1975 to 1979 and served as an assistant district attorney for the City and County of San Francisco from 1970 to 1975. Judge Grube received his B.A. from the University of Santa Clara in 1964 and his J.D. from the University of California, Berkeley, Boalt Hall School of Law, in 1967. Following law school, he entered active duty in the U.S. Army and served in Vietnam as a captain in the Army's 11th Light Infantry Brigade from 1968 to 1969. Judge Grube is survived by his wife, Marilyn Morgan, who also served as a bankruptcy judge in the Northern District; his daughter, Annelise, and her husband, Rhamy; and stepsons, Terry and Mark, and their respective families.

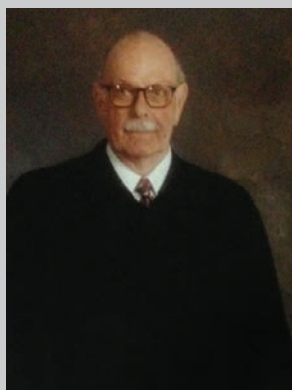


Bankruptcy Judge Ross M. Pyle, 79, of the U.S. Bankruptcy Court for the Southern District of California died on April 23, 2013. Judge Pyle was appointed a bankruptcy judge in 1975 and served as chief bankruptcy judge of the district from 1983 to 1985. He also served on the Ninth Circuit Bankruptcy Appellate Panel in 1983. Judge Pyle was active in the San Diego community and had served as a member of the Rotary Club of San Diego since 1975 and as a member of the Advisory Board of Trustees for Boys and Girls Clubs of San Diego, Inc., from 1975 to 1987. Judge Pyle received his A.B. from Stanford University in 1955 and his J.D. from Stanford Law School in 1958. Since his admission to the California Bar in 1959, he had been an active member of the San Diego County Bar Association, where he served as chair of several committees. Judge Pyle is survived by his wife, Cynthia, four children, and 11 grandchildren.

IN MEMORIAM continued



Senior District Judge Edward C. Reed, Jr., 88, of the U.S. District Court for the District of Nevada, died on June 1, 2013. Judge Reed was confirmed by the Senate on September 25, 1979, and received his commission on September 26, 1979. He served as chief judge of the district from 1986 to 1992 and assumed senior status on July 15, 1992. Prior to his appointment, Judge Reed served as special deputy attorney general for water rights litigation for the State of Nevada from 1967 to 1979. He engaged in private practice in Reno, Nevada, from 1953 to 1979, and worked as a tax attorney for Arthur Andersen & Co., in Boston from 1952 to 1953. He served in the Army from 1943 to 1946. Judge Reed received his B.A. from the University of Nevada, Reno, in 1949 and his J.D. from Harvard Law School in 1952. He is survived by his sons, Edward and John; his daughter, Mary Leon; and six grandchildren. He was preceded in death by another son, William.



Senior District Judge James A. von der Heydt, 94, of the U.S. District Court for the District of Alaska, died on December 1, 2013. Judge von der Heydt was confirmed by the Senate on October 20, 1966, and received his commission on November 3, 1966. He served as chief judge of the district from 1973 to 1984 and assumed senior status on July 15, 1984. Prior to his appointment, he served as presiding judge of the Alaska Superior Court from 1959 to 1966 and represented the 2nd District in the Alaska House of Representatives from 1957 to 1959. Judge von der Heydt engaged in private practice in Nome, Alaska Territory, from 1953 to 1959; as a commissioner of the U.S. District Court for the Alaska Territory in 1951; and as the U.S. attorney for the territory from 1951 to 1953. He received his B.A. from Albion College in 1942 and his J.D. from Northwestern University School of Law in 1951. Judge von der Heydt is survived by his wife, Verna, and a number of nieces and nephews.

A photograph of Supreme Court Justice Anthony M. Kennedy, an older man with glasses, wearing a dark suit and a red tie. He is standing and pointing towards a large Samsung monitor. The monitor displays a video conference with many participants seated around a long table. A camera is mounted on top of the monitor. In the foreground, the backs of several people's heads are visible, indicating they are watching the screen. The setting appears to be a conference room or a courtroom.

CIRCUIT HIGHLIGHTS

Supreme Court Justice Anthony M. Kennedy speaks to clerk's office staff at the Robert T. Matsui United States Courthouse in Sacramento, California.


JUSTICE O'CONNOR SITS WITH NINTH CIRCUIT

In December, retired United States Supreme Court Justice Sandra Day O'Connor was back on the bench, sitting in Seattle with the U.S. Court of Appeals for the Ninth Circuit.

Justice O'Connor served on a three-judge panel hearing oral arguments at the William K. Nakamura U.S. Courthouse. Joining her on the bench were Ninth Circuit Judges Richard C.

Tallman of Seattle, center, who presided, and Carlos T. Bea of San Francisco.

Justice O'Connor later delivered the keynote address to the annual meeting of the Federal Bar Association of the Western District of Washington.

Justice O'Connor retired from active service in 2006. Since then, she has sat by designation on several federal appellate courts. She most recently sat with the Ninth Circuit Court of Appeals in 2011 at a special sitting in Missoula, Montana. 



APPELLATE LAWYER REPS PRODUCE PRACTICE GUIDE

The "Appellate Lawyer Representatives' Ninth Circuit Practice Guide," released in October, <http://www.ca9.uscourts.gov/AppellateLawyerGuide.pdf> provides a thorough outline of

the appellate process and detailed information about many of the court's procedures.


checklists for drafting and filing motions and briefs.

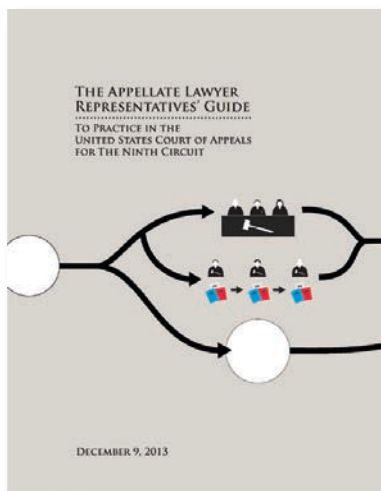
The guide was developed by the Ninth Circuit's Appellate Lawyer Representatives, a group of highly-experienced and well-respected practitioners appointed by Ninth Circuit Chief Judge Alex Kozinski to advise the court on procedural and other matters. Anne M. Voigts, an assistant U.S. attorney in San Francisco, served as lead editor.

Although intended for lawyers, the guide also would likely be of benefit to academics, journalists, students, pro se litigants and others interested in the workings of the nation's largest appellate court.

While not an official court publication, the guide was developed in consultation with court staff and is freely available to the public from the court's website: www.ca9.uscourts.gov.

Even seasoned appellate lawyers may benefit from a new publication, which spans 112 pages and includes sections on motions practice, emergency proceedings, brief drafting, oral argument, the post-decisional process, habeas corpus proceedings, and

The guide is considered a work in progress and its authors welcome feedback. Comments and suggestions should be emailed to ALRPracticeguide@ca9.uscourts.gov. 



<http://www.ca9.uscourts.gov/AppellateLawyerGuide.pdf>

NINTH CIRCUIT'S FIRST ALL-ALASKAN PANEL MAKES HISTORY

In October, the United States Court of Appeals for the Ninth Circuit convened for the first time an all-Alaskan appellate panel.

Circuit Judge Morgan Christen of Anchorage, Senior Circuit Judge Andrew J. Kleinfeld of Fairbanks, and Senior District Judge John W. Sedwick, also of Anchorage and who sat by designation, heard oral arguments on three cases on October 11, 2013, at the Richard H. Chambers U.S. Court of Appeals Building in Pasadena, California.

Appellate panels are randomly assigned and the all-Alaskan panel resulted from the luck of the draw.

“I was deeply honored to have been chosen to serve on this court and I have the greatest respect for my new colleagues. The opportunity to sit with two judges from my home state is truly special,” said Judge Christen, who felt “...very fortunate to be a part of this bit of Ninth Circuit history.”

“I think all of us who represent Alaska on the federal courts consider it an honor and privilege,” said Judge Kleinfeld. “It really feels like Alaska is coming into its own




The first all-Alaskan panel includes, from left, Senior Circuit Judge Andrew J. Kleinfeld of Fairbanks, and Circuit Judge Morgan Christen and Senior District Judge John W. Sedwick, who are both from Anchorage.

with this first all-Alaskan panel being convened by the court,” Judge Kleinfeld added.

Judges Kleinfeld and Christen are the second and third Alaskans to serve on the Ninth Circuit Court of Appeals. Nominated by the first President Bush, Judge Kleinfeld came onto the court in 1991. He served as an active judge until 2010, when he assumed senior status, creating a vacancy on the court. President Obama nominated Judge Christen to fill the vacancy. She came onto the court in January 2012 and is the first woman to represent Alaska on the Ninth Circuit bench.

Judge Sedwick has served for more than 20 years as a judge of the U.S. District Court for the District of Alaska. Also nominated by the first President Bush, he was confirmed in 1992 and served as chief judge of the district from 2002 to 2009. He assumed senior status in 2011.

The first Alaskan to sit on the Ninth Circuit Court of Appeals was the late Honorable Robert Boochever, who was nominated by President Carter and confirmed by the Senate in 1980. After serving as an active judge for six years, he assumed senior status in 1986. Judge Boochever died in 2011 at age 94. 

FEDERAL BAR HONORS NINTH CIRCUIT, NORTHERN CALIFORNIA JUDGES



Judges of the United States Court of Appeals for the Ninth Circuit and the U.S. District Court for the Northern District of California were recognized by the Northern California legal community at a gathering in March in San Francisco.

More than 400 members of the bench and bar attended the annual Ninth Circuit Luncheon sponsored by the Northern District of California Chapter of the Federal Bar Association. The event served to introduce judges to the bar and share news about the courts. Chief Judge Alex Kozinski of the Ninth Circuit Court of Appeals and Chief District Judge Claudia Wilken of the Northern District of California were featured speakers.

This was the 35th consecutive year in which the luncheon was held. It was started in 1978 at the suggestion of an attorney, the late G. Joseph Bertain, Jr., who served as an assistant U.S. attorney in

the Northern District and as chair of the FBA Northern District of California Chapter.

In his remarks, Chief Judge Kozinski observed that the Ninth Circuit bench continues to be in transition with the passing of four of its most senior judges in 2012: Chief Judge Emeritus James R. Browning and Senior Judges Otto R. Skopil, Jr., Robert R. Beezer and Betty Binns Fletcher.

“We are diminished by their absence,” Judge Kozinski said. He also noted the passing earlier in 2013 of well-known appellate attorney Sanford “Sandy” Svetcov, who served as the volunteer coordinator of the Ninth Circuit’s Pro Bono Counsel Program for the Northern District of California.

The bench losses have been balanced somewhat by the confirmations of five new judges. “We have been very fortunate. I just want to express my gratitude

to the president and to the Senate,” said Judge Kozinski, singling out California Senator Dianne Feinstein in particular. ⚖️



Chief Judge Alex Kozinski, at the podium, top, introduces the Ninth Circuit’s newest appellate judges, from left: Judges Jacqueline H. Nguyen, Mary H. Murguia, Morgan Christen, Andrew D. Hurwitz, and Paul J. Watford. Chief District Judge Claudia Wilken, above, of the Northern District of California speaks to audience.

INTERNET STREAMING COMES OF AGE AT COURT OF APPEALS

The United States Court of Appeals for the Ninth Circuit continues to be the leader among federal courts in using Internet technology to increase public access to the judicial process.

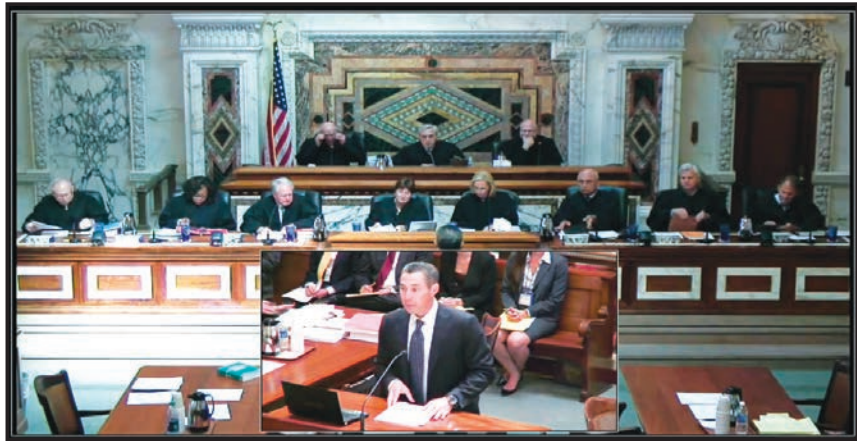
In December, the nation's busiest federal appellate court began providing live video streaming of its quarterly en banc proceedings, enabling anyone with a sufficiently fast Internet connection to watch oral arguments live at home, work or elsewhere.

It was the first time a federal appellate court used its resources to deliver live video for general viewing over the Internet. Broadcast and cable news networks have previously provided live coverage of Ninth Circuit court proceedings, including Internet viewing.

Also in December, the court revealed plans to test live audio streaming of all cases being heard by three-judge panels.

In announcing video streaming, Ninth Circuit Chief Judge Alex Kozinski said the court has a long history of using technology to make proceedings more accessible and transparent.

"Video streaming opens the court's doors ever wider so that more and more people can see and hear what transpires in the courtroom," the chief judge said.




Although viewership is expected to grow slowly, likely audiences include lawyers, parties to cases, law school students and faculty, news media and the general public. The court is working with an outside provider to ensure sufficient bandwidth is available for satisfactory viewing.

An 11-judge en banc court is used to resolve intra-circuit conflicts of law and other legal questions considered to be of exceptional importance. Only about 20 cases per year receive en banc review. The proceedings are held quarterly, usually in the James R. Browning U.S. Courthouse in San Francisco and the Richard H. Chambers U.S. Court of Appeals Building in Pasadena, California.

Since 2010, the court has video streamed en banc proceedings to all of its courthouses. Thus, an en banc court convened in Pasadena can be observed at the San Francisco courthouse, the William K. Nakamura U.S. Courthouse in Seattle and the Pioneer Courthouse in Portland, Oregon.

Considered a technology leader, the Ninth Circuit Court of Appeals is one of two federal appellate courts to allow the news media to use cameras in the courtroom. Since the early 1990s, Ninth Circuit appellate panels have granted 378 media requests for still and video photography of often high-profile cases.

Since 2003, the court has been using its own technology to provide public access to digital audio recordings of all oral arguments heard at all locations on a next-day basis. Video recording capability was later added. Today, all 11 courtrooms in the four Ninth Circuit courthouses are video equipped. Three courtrooms – one each in San Francisco, Pasadena and Portland – are equipped with high-definition video cameras.

Digital files containing audio and video recordings of court proceedings are available online at <http://www.ca9.uscourts.gov/media/>. 

NEW CLERKS GATHER FOR ORIENTATION PROGRAM

In September, the United States Court of Appeals for the Ninth Circuit held its annual orientation program for newly-hired law clerks.

Over 130 law clerks participated in the intensive two-day program, which was held at the James R. Browning U.S. Courthouse in San Francisco. Court operations and procedures, brief writing, ethics and use of social media, appellate jurisdiction and standards of review, and criminal law issues were among the topics covered.


U.S. Supreme Court Justice Anthony M. Kennedy, who previously served on the Ninth Circuit Court of Appeals and is now the Supreme Court justice designated to handle Ninth Circuit matters, spoke to the group, touching on workloads, opinion writing and interaction with other judges and their clerks.

In his remarks, Justice Kennedy made particular note of unpublished opinions, which are used to resolve a large majority of the court's cases. He urged clerks to remember that, while not precedential, every unpublished decision applies to "a real case with real people."

Also involved as presenters and panelists were judges of the Ninth Circuit Court of Appeals and the U.S. District Court for the Northern District of California.

In addition to the program, the clerks also were able to observe rare en banc proceedings in which a special court of 11 judges hears cases deemed to be of exceptional importance. Fewer than 20 cases per year typically receive en banc review.

The Ninth Circuit Court of Appeals is authorized 29 judgeships and ended 2013 with 27 active judges and 16 senior judges. Active judges may have up to four law clerks while senior judges may have up to three.

The 2013-2014 law clerk contingent includes graduates of law schools across the country with Yale, Stanford and Harvard having the most representatives. 



Remarks by Supreme Court Justice Anthony M. Kennedy, above, highlights annual orientation program for newly-hired law clerks.



FIRST AFRICAN-AMERICAN LEADS ARIZONA FEDERAL COURT

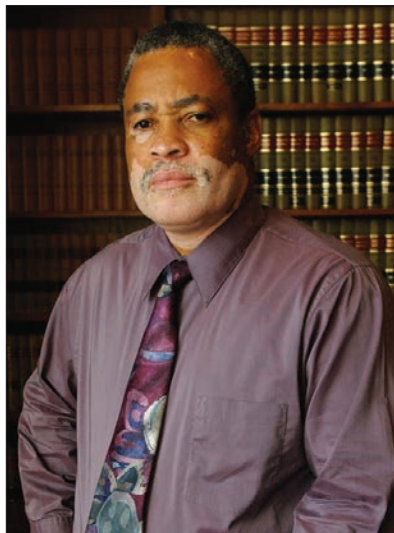
One of the nation's busiest federal trial courts marked another milestone with the appointment of its first African-American chief judge.

Judge Raner C. Collins became chief judge of the United States District Court for the District of Arizona on September 3, 2013. He succeeded Judge Roslyn O. Silver, who also made history as the first woman to lead the Arizona court in 2011. Elevated on the basis of seniority, Judge Collins can serve in the leadership post for up to seven years.

Judge Collins was one of two black judges appointed to the Arizona federal bench in 1998. Glenda E. Edmonds was first, appointed in February 1998 to serve as an Article I magistrate judge. Judge Collins followed in August and has the distinction of being the first African-American to be confirmed as an Article III district judge in Arizona.

He took the helm at a time of crisis for all of the federal courts, which have been cutting staff and services due to inadequate funding.

"I intend to add my voice to the chorus of other voices calling upon Congress to fully fund the Judiciary as an equal branch of government," Judge Collins said. "I don't think (full funding) has been the case for some time now."



*Honorable Raner C. Collins,
Chief District Judge, District of Arizona
Photo Credit: Tucson Citizen*

Along with other federal courts, the District of Arizona has been constrained by inadequate funding in prior years followed by indiscriminate cuts under sequestration in 2013. The Office of the Federal Public Defender, the clerk's office and the court's Probation and Pretrial Services divisions have been hardest hit, requiring furloughs and layoffs of staff.


"This has been an extremely difficult year for our court budget-wise. I am very concerned for our employees and about what is happening to court services," Judge Collins said.

One of two southwest border courts in the Ninth Circuit, the Arizona court has a substantial criminal caseload driven by illegal immigration and drug smuggling

over the U.S.-Mexico border. The court is authorized 13 judgeships and is eligible for up to six more judgeships based on its current caseload. New judgeships for Arizona are included in both a comprehensive national judgeship bill and special legislation intended to provide emergency assistance to particularly needy courts. It is unclear whether either effort will win passage in Congress due to costs.

"It would certainly give us the flexibility to handle whatever comes our way," Judge Collins said.

Judge Collins has spent his entire career in public service in southern Arizona. He served in the Pima County Attorney's Office as a law clerk and trial attorney from 1975 to 1981, and as the county attorney from 1983 to 1985. He was a magistrate in the Tucson City Court, 1981 to 1983, and a judge and judge pro tem on the Pima County Superior Court, 1985 to 1998.

Born in Malvern, Arkansas, Judge Collins earned in B.A. from Arkansas Polytechnic College (now Arkansas Tech University) in 1973, and his J.D. from the University of Arizona College of Law in 1975. 

'TRANSITIONS' SEMINAR HELPS JUDGES PLAN AHEAD

“Planning Ahead: Thinking About Transitions Seminar,” a program sponsored in April by the Ninth Circuit Wellness Committee, focused on helping judges consider issues related to retirement, taking senior status, or serving in a recalled capacity.

The two-day program offered sessions on benefits, financial planning, tax and estate strategies, Medicare and Medicaid matters, and health and wellness issues.

Senior District Judge Helen W. Gillmor of the District of Hawaii and Bankruptcy Judge Patricia C. Williams of the Eastern District of Washington, who serve on the Wellness Committee, developed the program and served as co-chairs of the seminar. Among the attendees were circuit, district, bankruptcy, and magistrate judges along with their spouses.

Dr. Sanford Finkle, founder of the American Association for Geriatric Psychiatry and co-founder of the International Psychogeriatric Association, gave the keynote address and made an engaging presentation focusing on the relationship of mind and body, sexuality, sleep and medical issues for individuals over 65. He noted the growing number of multi-generational families and stressed the importance of being open to new experiences.

Sharing their personal “transitions” were Senior Circuit Judge Michael




Pictured above, from left, are Senior District Judge Helen W. Gillmor of the District of Hawaii, Senior District Judge Consuelo B. Marshall of the Central District of California, retired District Judge Fern M. Smith of the Northern District of California, Senior Circuit Judge Michael Daly Hawkins, and Magistrate Judge Louisa S. Porter of the Southern District of California. Dozens of attendees took part in the seminar.

Daly Hawkins of Phoenix, Arizona; Senior District Judge Consuelo B. Marshall of the Central District of California; and two judges who retired from the bench, Fern M. Smith and Louisa Porter.

For judges considering going senior or serving in a recalled capacity, Dr. Bob Rucker, an assistant circuit executive from the Office of the Circuit Executive, provided information about the availability of staff and workload requirements.

Others who made presentations included Pamela J. Dudley, human

resources specialist from the Administrative Office of the U.S. Courts; Tom O'Rourke, tax and estate planning specialist; and Richard Carlton, a professional counselor who staffs the Ninth Circuit Private Assistant Line Service (PALS).

The session also included a demonstration of how to prepare healthy meals, and a Zumba dance exercise program led by Bankruptcy Judge Erithe A. Smith of the Central District of California, who is a Wellness Committee member and certified Zumba instructor. 

NORTHERN DISTRICT JUDGE RECALLS 1963 CIVIL RIGHTS MOVEMENT

The “50th Anniversary Reflection on the 1963 Civil Rights Movement,” a program held in November in San Francisco, featured the recollections of Senior District Judge Thelton E. Henderson of the United States District Court for the Northern District of California.

In an engaging interview with his Northern District colleague, Judge William Alsup, Judge Henderson spoke of his days as a young U.S. Department of Justice lawyer working in the deep South. The program was organized by the Northern District of California Historical Society and drew an overflow crowd to the auditorium of the California State Building in San Francisco.

In 1962, Judge Henderson became the first African-American attorney in the U.S. Department of Justice. Assigned to monitor voting rights matters in the South, he came to know many civil rights leaders, including Dr. Martin Luther King, Jr., and Medgar Evers.

The approximately 90-minute program was videotaped and is available online at <http://tinyurl.com/henderson-interview>.

Nominated by President Carter, Judge Henderson has served on the



District Judge William Alsup, left, interviews Senior District Judge Thelton E. Henderson, who shared his recollections of the civil rights movement in the 1960s.

Northern District of California bench since 1980 and was chief judge of the court from 1990 to 1997. He assumed senior status in 1998 but continues to hear cases, including a number of high-profile matters involving civil rights. He currently sits on a special panel of three federal judges conducting oversight of the California prison system.

Born in Shreveport, Louisiana, Judge Henderson received his B.A. from the University of California, Berkeley, in 1956. After two years of military service, he returned to Berkeley

to attend the Boalt Hall School of Law, where he received his J.D. in 1962. After leaving the justice department, he went into private practice, served as counsel to a neighborhood legal center in East Palo Alto, California, and was the assistant dean of Stanford Law School.

Judge Henderson has received numerous honors, including the American Bar Association’s Thurgood Marshall Award in 2013 and the 2003 Ninth Circuit Professionalism Award from the American Inns of Court. 

COMMITTEE UPDATES JURY TRIAL PROCEDURES MANUAL

The Ninth Circuit Jury Instructions Committee considers and adopts model criminal and civil jury instructions for use by federal trial courts in the western states. The committee also produces another publication, “A Manual on Jury Trial Procedures.”

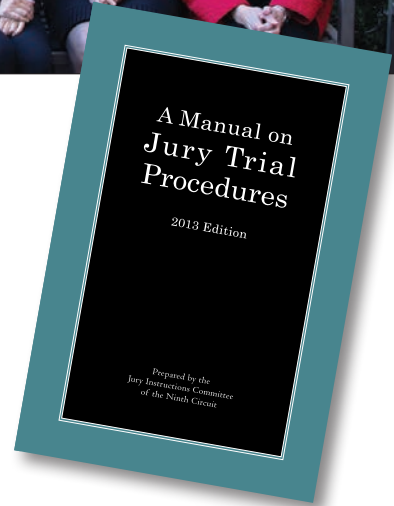
The committee met four times in 2013, at the court of appeals courthouses in Pasadena, California, and San Francisco, and the district courthouse in Seattle.

In 2013, the committee focused its efforts on the review and revision of “A Manual on Jury Trial Procedures,” which focuses on the law, and procedures and practices in the Ninth Circuit governing jury trials. A revised version is available online at http://www.circ9.dcn/publications/MJTP_June_2013.pdf. Printed versions are available by request.

The “Manual of Model Civil Jury Instructions” and the “Manual of Model Criminal Jury Instructions” also are available in print and online versions. The online version is being continually updated due to changes in case law or statutes. The model criminal and civil jury instructions, respectively, may be accessed online at <http://www3.ce9.uscourts.gov/web/sdocuments.nsf/crim> and




Jury Trial Committee members, pictured above standing from left, include Senior District Judges Robert H. Whaley and Thomas J. Whelan, Circuit Judge A. Wallace Tashima, District Judge Benjamin H. Settle, and seated from left, District Judge Cormac J. Carney, Magistrate Judge Alicia G. Rosenberg, Chief District Judge Susan Oki Mollway, and Debra T. Landis, research attorney, Office of the Circuit Executive.



<http://www3.ce9.uscourts.gov/web/sdocuments.nsf/civ>.

Chief District Judge Susan Oki Mollway of Hawaii chairs the committee. Other members are Senior Circuit Judge A. Wallace Tashima of the Ninth Circuit Court of Appeals; District Judge Cormac J. Carney and Magistrate Judge Alicia G. Rosenberg of the Central

District of California; and District Judges Benjamin Hale Settle of the Western District of Washington and Michael H. Simon of the District of Oregon; and Senior District Judges Robert H. Whaley of the Eastern District of Washington and Thomas J. Whelan of the Southern District of California. 

WEBINARS BRING LEGAL DISCUSSIONS TO THE DESKTOP

The Ninth Circuit Pro Se Litigation Committee is using “webinars” to keep up with important developments in pro se litigation. The committee organized two webinars in 2013, including a well-received program in November focusing on the complex implications of the United States Supreme Court’s 2012 decision in Martinez v. Ryan.

The online programs were offered in lieu of the Ninth Circuit Pro Se Conference, an annual event last held in 2012 which is typically attended by more than 100 judges and court staff. The 2013 conference was called off due to reduced funding to the courts under sequestration. While a conference is planned in 2014, the event will likely be held on a biannual basis thereafter.

Webinar technology delivers audio/video and data content using the Judiciary’s computer network and conventional telephone lines. Judges and court staff participate individually or in groups and can interact with the presenters over the telephone or by sending questions and comments from their computer keyboard.

The committee’s first webinar featured a video replay of a program offered at the 2012 Ninth Circuit Judicial Conference focusing on federal habeas corpus and the ramifications of the Supreme Court’s 2011 decision in Pinholster

v. Cullen. Magistrate Judge James P. Donohue, the committee chair, and some of his clerks were available to answer questions.

The Martinez program was a live presentation by panelists in three states: Chief Magistrate Judge Candy W. Dale and pro se law clerk Janis Dotson of the District of Idaho; Kristine Fox, a death penalty law clerk in the District of Arizona; and Margaret Epler, a death penalty law clerk at the Ninth Circuit Court of Appeals in San Francisco. The program was displayed at some 50 locations, but the actual number of participants is thought to be larger due to group viewing in several places.

Webinar organizers say the programs will not only fill in the information gaps resulting from holding the conference every other year but serve as an alternative source of news for those who are unable to attend the conference. The committee would eventually like to see all webinars recorded and made available through an online library.

Webinar technology is licensed by the Administrative Office of the U.S. Courts. The Office of the Circuit Executive provides technical support for webinars sponsored by the Pro Se Litigation Committee.



PRO SE NEWSLETTER

The Pro Se Litigation Committee, chaired by Magistrate Judge James P. Donohue of the Western District of Washington, published its inaugural newsletter, “The Gideon,” in the summer of 2013. The first issue of the quarterly newsletter included articles on interpreter use and managing pro se caseloads. Future editions will include articles on pro se debtors at reaffirmation hearings, recognition of pro se volunteers, pro bono clinics, pro bono recognition programs, and mediation efforts. Archived newsletters, committee information, case management resources for pro se cases are available on the committee’s website at <http://www.circ9.dcn/committees/prose.aspx>.

Ninth Circuit Committee Focuses on Pro Se Litigants

Did you know that at the Ninth Circuit Court of Appeals last fiscal year, the number of appeals in which at least one party was unrepresented by counsel exceeded 50 percent of the total new filings? Lower courts of the Ninth Circuit are similarly deluged with pro se filings. In the district courts, 36 percent of civil filings involved one or more pro se litigants. In the bankruptcy courts, more than 19 percent of all filings came from pro se litigants, including nearly 50 percent of the Chapter 13 filings.

Committee Chair James P. Donohue is a magistrate judge in Seattle.

The Ninth Circuit Self-Represented Litigants Committee also called the “Pro Se Committee” was formed in 2008 to assist courts in responding to the challenges posed by pro se litigation. The scope of the committee’s work is broad and ranges from increasing unrepresented litigant access to pro bono services to case management issues specific to pro se litigants. For example, the committee is now taking a census of all pro bono resources used by district and bankruptcy courts in the circuit. A catalog of those resources will then be shared on the Ninth Circuit Intranet website: www.circ9.dcn. If you have considered expanding your district pro bono resources, you may have already done so. If you have not, you will be the first to start. Someone has probably done it before you and there is a contact person in each district who can tell you how to win a contest and the strengths and weaknesses of the approach. Why concern the subject?

In addition, the committee sponsors a pro se law clerk conference with a breakout for judges specifically addressing pro se challenges. See page 4 for a summary.

continued on page 3

Bankruptcy Courts: The Emergency Rooms of the Ninth Circuit

With the largest percentage of pro se filings in the country by far, bankruptcy courts in the Ninth Circuit have become something akin to hospital emergency rooms serving individuals in dire financial straits.

Committee member Catherine A. Baur is a bankruptcy judge in Boise.

Yet, here in the Ninth Circuit, one committee member is a bankruptcy judge in Boise. In fiscal year 2012, Ninth Circuit bankruptcy courts reported 16,712 pro se filings. Self-represented filers accounted for 19.5 percent of all new cases in the circuit, more than twice the national average. And, if you look at the busiest bankruptcy court in the country, the Central District of California, pro se filers accounted for 27.0 percent of the cases filed in the district.

Pro se debtors are often misinformed about bankruptcy law. Many of them end up “opting out themselves” as the bankruptcy emergency room, sometimes with disastrous consequences. For example, pro se debtors frequently file bankruptcy to stop a foreclosure. Without fully understanding the consequences of the filing, a debtor may make things much worse for himself or herself. If it is a Chapter 7 case, the bankruptcy trustee may discover the assets that can be used to satisfy creditors. If the debtor is still on the list, the trustee will send the debtor’s attorney to litigate the bankruptcy case, and the debtor will be the one who has to pay the attorney’s fees. The debtor may have been better off in Chapter 13 where the debtor could have reorganized his or her debts and actually saved his or her home.

continued on page 2

Also in this issue: 50 Years After Gideon v. Wainwright page 2 Pro Se First Responders page 4

MAGISTRATE JUDGES WORKSHOP FOCUSES ON COMPETENCY HEARINGS

The Ninth Circuit Magistrate Judges Education Committee took part in a national workshop organized by the Federal Judicial Center, sponsoring an educational session on mental competency that drew more than 75 attendees.

Held in July at the United States District Courthouse Annex in San Diego, the session was entitled “How Competent Are You When It Comes to Competency Hearings?” Judges and other attendees explored various aspects of competency, including governing statute, the conduct of competency hearings, and issues related to involuntary medication, treatment, restoration

of competency, speedy trial implications, and final disposition.

The program involved a panel presentation by District Judge Anthony J. Battaglia of the Southern District of California; Magistrate Judge Charles R. Pyle of the District of Arizona; Nellie Klein, staff attorney at the Metropolitan Correctional Center in San Diego; and Craig Apker, complex warden at the Butner Federal Correction Complex in North Carolina, who appeared via video conference.

Judge Battaglia, a former magistrate judge in San Diego, described the legal framework

for mental competency cases. Ms. Klein addressed the process of making a mental competency assessment, including use of psychologists at the federal Bureau of Prisons and placement in suitable facilities. Medical evaluation resources available at Butner and other federal facilities were described by Warden Apker.

Magistrate Judge Gary S. Austin of the Eastern District of California, who welcomed attendees and introduced the panelists, noted that this was thought to be the first time the Ninth Circuit has organized a session at a national workshop such as the FJC event.



Pictured from left are District Judge Anthony J. Battaglia of the Southern District of California, Magistrate Judge Gary S. Austin of the Eastern District of California; Nellie Klein, staff attorney, Metropolitan Correctional Center in San Diego; and Magistrate Judge Charles R. Pyle of the District of Arizona.

SACRAMENTO CELEBRATES JUSTICE KENNEDY LEARNING CENTER

The United States District Court for the Eastern District of California lays claim to the Ninth Circuit's first judicial learning center. The Justice Anthony M. Kennedy Library and Learning Center is housed in the Robert T. Matsui U.S. Courthouse in Sacramento. It was dedicated in March during a gala program attended by scores of civic leaders, educators and members of the legal community.

The center will promote greater public understanding of the importance of an independent judiciary, the rule of law in American society, and the rich history of the federal courts. It will initially be used by elementary and secondary school teachers to develop curriculum and later host visits by area students.

"We are very honored to have the Kennedy Library and Learning Center located here in the Robert T. Matsui U.S. Courthouse," said Chief District Judge Morrison C. England, Jr., of the U.S. District Court for the Eastern District of California. "We look forward to working with the community in making the center an important civics education resource."



Justice Kennedy with attorney Mac Goldsberry, center, president of the Sacramento Federal Judicial Library and Learning Center Foundation, and Gary Hart, a former California state senator and longtime education advocate. The justice speaks to students during the Open Doors program, below.






U.S. Representative Doris Matsui of California's Sixth Congressional District, at podium pictured above, addresses the audience, and seated from left to right are Chief District Judge Morrison C. England, Jr., and District Judge Kimberly J. Mueller. Justice Kennedy, pictured below, with students from McClatchy High School at the Open Doors program with their teacher, Mary Wong.

“The Justice Anthony M. Kennedy Library and Learning Center in the Robert T. Matsui U.S. Courthouse will be a fitting tribute to one of our nation’s foremost jurists,” said Rep. Doris Matsui of California’s Sixth Congressional District, the widow of the late Rep. Robert T. Matsui.

“Justice Kennedy’s profound commitment to the Constitution and the rule of law began in Sacramento, but his judicial service has touched communities throughout our country,” she said.

Except for public space in the courthouse provided by the Ninth Circuit Library, the learning center is privately funded and operated. The non-profit Sacramento Federal Judicial Library and Learning Center Foundation, formed in 2012, will oversee development of the learning center and raise funds for its operation. Contributions to the foundation are tax deductible.

Justice Kennedy, a Sacramento native, returned to his hometown to take part in the dedication ceremony and met with foundation members to discuss future programs and activities. He also participated in Open Doors to Federal Courts, the federal judiciary’s signature community outreach program, which brought nearly 600 high school students to the Matsui Courthouse.

At least two other districts in the Ninth Circuit are currently considering the feasibility of learning centers. 



2013 NINTH CIRCUIT NEW JUDGES' ORIENTATION



New judges sitting on federal courts in the western states gathered in May at the Ninth Circuit headquarters in San Francisco for a two-day orientation program. District, bankruptcy and magistrate judges from Alaska, Arizona, California and Nevada were briefed on the workings of the Ninth Circuit Court of Appeals and advised on case management, information technology, judicial ethics and other topics. Seated from left are Magistrate Judge Bruce G. Macdonald of the District of Arizona; Magistrate Judge Stanley Boone and District Judge Troy L. Nunley of the Eastern District of California; Chief Circuit Judge Alex Kozinski; Bankruptcy Judge Hannah L. Blumenstiel and District Judge John S. Tigar of the Northern District of California; and Magistrate Judge Allison Claire of the Eastern District of California. Standing from left are Bankruptcy Judge Christopher B. Latham of the Southern District of California; Magistrate Judge Bridget S. Bade of the District of Arizona; Magistrate Judge Nancy J. Koppe of the District of Nevada; Bankruptcy Judge Gary Alan Spraker of the District of Alaska; District Judge Fernando M. Olguin of the Central District of California; Bankruptcy Judge Brenda Moody Whinery, Magistrate Judge Leslie Ann Bowman and Bankruptcy Judge Daniel P. Collins of the District of Arizona; and District Judge Andrew P. Gordon of the District of Nevada. ⚖️

CIRCUIT OFFERS TRAINING FOR PACIFIC ISLAND COURTS


Under the auspices of the Pacific Judicial Council, the Ninth Circuit organized its second training program for probation and pretrial services officers working in the Pacific islands.

Held in August on the island of Saipan in the Commonwealth of the Northern Mariana Islands, the program included special sessions for new probation officers as well as veterans.

Participating were 40 officers from the federal courts in Guam and NMI and from “state level” courts of the U.S. territories of Guam and American Samoa, the Federated States of Micronesia, the CNMI and the republics of Palau and the Marshall Islands.



Chief Justice Alexandro C. Castro of the Supreme Court of the CNMI and CNMI Governor Eloy S. Inos welcomed the attendees. A group of local judges served on a panel entitled “What Do Judges Want?” and sessions included writing presentence reports.

Other presenters were James M. Schloetter, assistant deputy chief probation officer, Northern District of California; Michelle Spidell, pretrial and probation administrator, Administrative Office of the U.S. Courts; and Christopher Hansen, chief probation officer, Solano County, California. 

NINTH CIRCUIT JOINS ONLINE REPOSITORY


The United States Court of Appeals for the Ninth Circuit and a number of district courts in the circuit are contributing to the Government Printing Office’s Federal Digital System, or FDsys, a new system that provides free access to official government documents.

FDsys is an Internet-based repository of information from Congress, the executive branch and the Judiciary. Besides being free, FDsys offers advanced search capabilities not available

from other federal court online resources. Most notably, users can conduct searches across multiple courts rather than having to search records from one court at a time. Complex searches can be conducted using metadata attached to the files. Once an opinion is located, associated opinions and published orders also can be quickly obtained.

The FDsys collection of thousands of court records dates back to April 2004, though searchable electronic files for some courts may

be incomplete for earlier years. Most of the Ninth Circuit appellate opinions date back to January 2008, shortly before the court migrated to a fully electronic case management and filing system.

In addition to the Ninth Circuit Court of Appeals, participating district courts include Alaska, the Eastern District of California, Hawaii and Idaho. FDsys can be accessed at <http://www.gpo.gov/fdsys/>. 

PORTRAIT UNVEILING MARKS JURIST'S 25TH YEAR OF SERVICE

Colleagues, friends and family, and leaders of the Oregon legal community gathered in Portland in October for a special proceeding recognizing Circuit Judge Susan P. Graber of the United States Court of Appeals for the Ninth Circuit.

One of Oregon's most accomplished jurists, 2013 marked Judge Graber's 25th year of combined service on the federal and state benches. She has served as a federal appellate judge since 1998 and was previously an associate justice of the Supreme Court of Oregon from 1990 to 1998, and a presiding judge of the Oregon Court of Appeals from 1988 to 1990.

The special proceeding commemorated the unveiling of a portrait of Judge Graber, which will hang in the historic Pioneer Courthouse, the Portland home of the Ninth Circuit Court of Appeals.

Ninth Circuit Judge Barry G. Silverman of Phoenix presided over the session, joined on the bench by Judge Graber and Senior Circuit Judge Edward Leavy, also of Portland. Cathy A. Catterson, the circuit and court of appeals executive, served as clerk of court. Ninth Circuit Judges William A. Fletcher of San Francisco and Consuelo M. Callahan of Sacramento, California, also were present.

In attendance were Judge Graber's husband, William June, and their

daughter, Rachel June-Graber, and more than 100 guests, including; judges of the U.S. District Court for the District of Oregon, justices of the Oregon Supreme Court, other state court judges and Oregon Attorney General Ellen F. Rosenblum.

The program included remarks by Judge Leavy; Justice Edwin J. Peterson, retired chief justice of the Oregon Supreme Court; and a videotaped message of congratulations from former President Bill Clinton, who had nominated Judge Graber to the federal bench 15 years ago.

Judge Graber is one of the court's most prolific jurists, participating in nearly 6,400 appeals and authoring nearly 1,300 majority opinions or dissents thus far in her career on the federal bench.

Prior to coming onto the bench, Judge Graber was in private practice in Oregon, Ohio and New Mexico from 1974 to 1988. She also has served as an assistant state attorney general in New Mexico. An Oklahoma native, she received her B.A. from Wellesley College in 1969 and her J.D. from Yale Law School in 1972.



The portrait of Judge Graber was commissioned by her former law clerks. The painting was presented to the Pioneer Courthouse Historical Society, which, in turn, conveyed ownership to the Ninth Circuit Court of Appeals.

Done in oils on canvas by a local artist, Wayne Chinn, the portrait adorns a room immediately adjacent to the courtroom that is used by attorneys while waiting to present arguments.

The Pioneer Courthouse, which opened in 1875, is the oldest federal courthouse in the western states. It has served as the Portland home of the Ninth Circuit Court of Appeals since 1973. The portrait of Judge Graber joins those of eight other noteworthy jurists who have served the court since 1892.



JUDGES RECEIVING AWARDS IN 2013

Ninth Circuit Court of Appeals

Senior Circuit Judge J. Clifford Wallace, certificate of appreciation from the United States State Department for his “lifelong commitment to the Rule of Law and ... many years of support for and participation in the public diplomacy rule of law-related programs of the U.S States Information Agency and the Department of State.”

District of Arizona

Retired Magistrate Judge Glenda E. Edmonds, John M. Roll Award for Distinguished Service to the District of Arizona; Senior District Judge Roslyn O. Silver, for outstanding service to Veterans’ Program, Arizona Army National Guard, Arizona Coalition for Military Families, and Arizona Veterans Magazine, and for outstanding achievement, Federal Bar Association, Phoenix Chapter; Senior District Judge Frank R. Zapata, Public Service Award, University of Arizona, Alumni Association.

Central District of California

Senior District Judge Audrey B. Collins, co-recipient of Judge of the Year Award, Loyola Law School Fidler Institute Award for Excellence, and Meritorious Women Awardee, Los Angeles NAACP Youth Council; Bankruptcy Judge Barry Russell, Judge William L. Norton Jr. Judicial Excellence Award, Thomson Reuters; District Judge Christina A. Snyder, 2013 Ronald M. George Award for Judicial Excellence, Beverly Hills Bar Association.

Eastern District of California

Chief District Judge Morrison C. England, Jr., Martin Luther King Jr. Peace and Justice Award, University of the Pacific; Senior District Judge Anthony W. Ishii, President’s Award, Asian/Pacific Bar Association of Sacramento.

Northern District of California

District Judge William Alsup, Tara L. Riedley Barristers Choice Award, the Bar Association of San Francisco, and an award of recognition from Lewis and Clark Law School; Senior District Judge Sandra Brown Armstrong, honorary doctorate, University of San Francisco School of Law, Judicial Section Award, California Association of Black Lawyers, M’Lady Exemplary Service Award, Alpha Kappa Alpha Sorority, Inc.; District Judge Edward M. Chen, Federal Judge of the Year, San Francisco Trial Lawyers’ Association; Senior District Judge Samuel Conti, an award from the Veterans United for Truth; Senior District Judge Thelton E. Henderson, Thurgood Marshall Award, American Bar Association Section of Individual Rights and Responsibilities; District Judge Lucy H. Koh, IP Vanguard Award, Judiciary Award, California State Bar Intellectual Property Law Section; Bankruptcy Judge Arthur S. Weissbrodt, Fresh Start Award, San Jose Bar Association; Senior District Judge Ronald M. Whyte, Lifetime Achievement Award for his work in the patent field, Sedona Conference.

District of Idaho

Senior District Judge Edward J. Lodge, governor's declaration of July 1, 2013, as “Edward J. Lodge Day” marking Judge Lodge’s 50 years on the bench; Chief District Judge B. Lynn Winnmill, John Purce President’s Award, Pocatello NAACP.


District of Montana

Senior District Judge Donald W. Molloy, Honorary Doctor of Laws, University College Cork, Cork, Ireland.

District of Nevada

Chief District Judge Gloria M. Navarro, award recognizing exceptional accomplishments in advancing the standing of Hispanics in the legal profession, Las Vegas Latino Bar Association; inductee, William A. Blakey Diversity Pipeline Architects, Council on Legal Education Opportunity; and recognized for serving as the first judge in the law school’s Jurist in Residency Program, William S. Boyd School of Law.

Western District of Washington

District Judge Richard A. Jones, President’s Award, Washington Women Lawyers, King County Chapter; Bankruptcy Judge Karen A. Overstreet, Vanguard Award, Washington Women Lawyers, King County Chapter; Chief District Judge Marsha J. Pechman, Betty B. Fletcher Leadership and Justice Award, Mother Attorneys Association of Seattle. 

COURT STAFF, LAW SCHOOL RECOGNIZED FOR ADR EFFORTS

In October, the Ninth Circuit ADR Committee announced the recipients of awards recognizing individual and institutional achievements in the field of alternative dispute resolution.



Susie Boring-Headlee, ADR Coordinator, District of Idaho

Susie Boring-Headlee, ADR coordinator for the United States District Court for the District of Idaho, was selected to receive the Robert F. Peckham Award for ADR Excellence, while the University of the Pacific, McGeorge School of Law, was honored with the Ninth Circuit ADR Education Award.

Ms. Boring-Headlee, who has served as the ADR coordinator in the District of Idaho for the past four years, was recognized for promoting use of ADR in both state and federal courts. She has served as a presenter and panelist at ADR workshops for judges; arranged for training of mediators in conjunction with the Northwest Institute of Dispute Resolution at the University of Idaho, College of Law; organized “settlement week” programs at the

district court; and collaborated with information technology staff to streamline collection and management of ADR deadlines and other activities using the court’s electronic case filing system or ECF.

Since 2012, Ms. Boring-Headlee has served on the Federal Judicial Center’s ADR Study Group, which is conducting an analysis of the costs, benefits, and effectiveness of ADR programs in the federal district courts. The study group will provide guidance to the national committees in determining best practices and future funding of court ADR programs.


McGeorge Law School was recognized for its center for Advocacy and Dispute Resolution, which offers a full spectrum of dispute resolution course work, including mediation, negotiation and online dispute resolution strategies. The center has made significant contributions to the Sacramento, California, community through two unique mediation programs: the Prisoner Civil Rights Mediation Clinic and the Housing Mediation Clinic. The clinics serve as a public-private partnership model for other legal institutions, as well as mediation training for the clinical students.

Law students involved in prisoner mediation receive training in interviewing skills and the law of Section 1983 prison condition claims. They conduct prisoner interviews, draft bench

memorandums and engage in co-mediation sessions led by a magistrate judge. Students are able to co-mediate 8 to 10 sessions during the clinic experience, and the magistrate judge gives them increasing responsibility for mediating the cases.

The Housing Mediation Clinic provides student mediators for disputes involving unlawful detainer and eviction actions. Training at the center includes participation in mock mediation sessions, observing housing mediation sessions, and co-mediating housing cases. Students attend a weekly seminar taught in addition to their hours at the center.

Both prisoner mediation and housing clinics provide a service to the community and a distinctive educational opportunity for the students. McGeorge Law School emphasizes the collaborative mediation model and the skill of working in teams as the goals their programs achieve.

The Peckham and ADR Education awards were established in 2001 and 2005, respectively, by the Judicial Council of the Ninth Circuit. The Peckham Award is named for the late Judge Peckham, a former chief district judge of the Northern District of California, who helped pioneer use of legal means other than court trials to resolve disputes. 



GOVERNMENT, PRIVATE SECTOR CONFRONT 'SUPERSTORM' CRISIS

The Bay Area SuperStorm Training Symposium in March drew over 150 representatives from federal, state and local government, and the private sector to consider how the Bay Area would weather a potentially paralyzing “superstorm.”



Top right, from left, are Marie Jauregui from FEB, Rob Dudgeon from Department of Emergency Management in San Francisco, Dale A. Cox from USGS, and Logan Johnson from U.S. National Weather Service. Federal, state and local government, and private sector representatives above attend training symposium in San Francisco.


Held in San Francisco, the symposium was hosted by the Emergency Preparedness Working Group of the San Francisco Federal Executive Board. The training exercise, based on the United States Geological Survey’s ARkStorm Scenario, depicts impacts of a hypothetical storm similar in intensity to the winter storm that left California’s Central Valley virtually impassable in 1861 and 1862. The exercise focused on readiness and preparedness, plan activation, continuity of operations, and reconstitution.

Keynote speakers included Rob Dudgeon, deputy director of the City of San Francisco Department of Emergency Management; Dale A. Cox, Region 9 lead of the Department of the Interior’s Regional Emergency Coordination Council and regional hazards coordinator for the USGS Pacific Southwest, which includes California, Nevada, Hawaii and the Pacific Islands; and Logan Johnson, warning coordination meteorologist for the U.S. National Weather

Service San Francisco Bay Area in Monterey, California.

Organizers received highly positive feedback from attendees, most of who work with federal agencies. SFFEB’s Emergency Preparedness Working Group acknowledged FEB Executive Director Francine Roby, moderators and panelists, the event planning team, and Ninth Circuit COOP Coordinator Laudan Batino, who served as emcee for the event.

Prior training exercises have focused on a major earthquake, flooding, terrorist use of improvised explosive devices, pandemic influenza, cyber terrorism and disruption, and terrorist use of an improvised nuclear device, better known as a “dirty bomb.”

Training activities are open to federal and non-federal government organizations. SFFEB provides networking opportunity to help improve continuity and preparedness programs locally and nationwide. 

ADMINISTRATIVE CHANGES



Willie "Will" Blasher, Jr., was appointed acting chief probation officer for the District of Oregon on

March 25, 2013. Prior to his appointment, Mr. Blasher had previously served as deputy chief probation officer since 2008 and as a supervisory probation officer from 2001 to 2008. He began working as a probation officer in the District of Oregon in 1987. Prior to his federal experience, Mr. Blasher worked as an on-call juvenile caseworker in 1979, a corrections officer from 1979 to 1982, and probation officer for the State of Oregon from 1982 to 1987. He received his bachelor's degree in psychology from the University of Oregon.



Heather L. Kennedy was appointed as clerk of court in April and sworn in as part-time magistrate

judge for the United States District Court for the District of Northern Mariana Islands in June. Prior to joining the district court, Ms. Kennedy served as executive director of the Law Revision Commission and General Counsel to the Northern Mariana Islands, or NMI, Judiciary, as well as the mock trial coordinator for the NMI Bar Association. From 1999 to 2007,

she worked as legal counsel and equal employment opportunity officer for the NMI Public School System. Before moving to the NMI, Ms. Kennedy worked as litigation associate for a corporate law firm in St. Louis, and as an assistant public defender in Charlotte, North Carolina. Born in New York and raised in Connecticut, she graduated from Guilford College in Greensboro, North Carolina, and earned her J.D. from Washington University School of Law in St. Louis.



Marianne Matherly was appointed the clerk of court for the U.S. District Court for the

Eastern District of California on May 6, 2013. She began her federal government career in 1979 with the U.S. Probation Office in Sacramento. In 1981, she transferred to the district court clerk's office. During her 32 years of service, she has been a civil and criminal docket clerk; a courtroom deputy to Magistrate Judge John F. Moulds, now retired, and Senior District Judge Lawrence K. Karlton; a judicial services supervisor and operations manager; and deputy-in-charge. Prior to her appointment, she had served as chief deputy since 2005. Ms. Matherly holds a B.A. in political science and an M.P.A., both from Fresno State.



Sean McAvoy was appointed on January 1, 2013, to serve as the district court executive/

clerk of court for the U.S. District Court for the Eastern District of Washington. Prior to his appointment, Mr. McAvoy served as the bankruptcy clerk of court for the Northern District of Iowa, a position he held since September 2000. Before joining the federal judiciary, Mr. McAvoy spent six years working within the Arizona State Court System in positions ranging from child support case administrator to director of Arizona's third largest superior court. Prior to his career in court administration, Mr. McAvoy was a decorated Russian linguist in the United States Army. He received a B.A. from the University of Arizona and an M.B.A. from the University of Phoenix. He also is a fellow of the Institute for Court Management.



John Morrill is the acting clerk of court for the U.S. District Court for the Southern District of

California. He was appointed in December 2013 to serve until recruitment of clerk of court is completed. Mr. Morrill has served in the Southern District

of California for 23 years and has been the chief deputy of operations since 2005. He earned a B.A. degree in political science and a master's degree in public administration from San Diego State University. Prior to serving with the U.S. district court, Mr. Morrill worked for the Washington State House of Representatives in Olympia, Washington.



Heather E. Williams was sworn in as the federal public defender for the Eastern District of California

on May 6, 2013. She had served previously as an assistant federal public defender for the District

of Arizona since 1994, eventually rising to the post of first assistant FPD. A graduate of Pittsburg State University, Kansas, and the University of San Diego School of Law, she worked first in San Diego then, in 1988, returned to Tucson, Arizona, where she worked at the Pima County Office of the Public Defender for more than 5 ½ years. Ms. Williams speaks at seminars across the U.S. and teaches each summer at the National Criminal Defense College. She worked as an assistant adjunct faculty at the University of Arizona, James E. Rogers College of Law, where she taught legal ethics for criminal lawyers. In 2011, she received the Outstanding Assistant Federal Defender Award from the National Association of Federal Defenders. ⚖️



SPACE & FACILITIES

Construction is underway for the new U.S. Courthouse
in Los Angeles.

COURTHOUSES UNDER CONSTRUCTION

U.S. Courthouse Los Angeles, California



Gross Square Footage: 600,000
Design/Build Team: Clark Construction & SOM
Occupancy Date: March 2016

U.S. Courthouse McKinleyville, California



Gross Square Footage: 23,000
Owner/Developer: Eureka Skyline 26 Partners
Occupancy Date: January 2015

COURTHOUSES UNDER CONSTRUCTION continued

Prince Jonah Kuhio Kalaniana'ole Federal Building and U.S. Courthouse, Honolulu, Hawaii




Gross Square Footage: 862,269
Architects: Gensler and Associates
General Contractor: Swinerton
Completion Date: Courthouse (Phase I) 2014,
Federal Building (Phase II) 2017

COURTHOUSE COMPLETED

John M. Roll United States
Courthouse Opens

The John M. Roll United States Courthouse in Yuma, Arizona, opened for business on December 16, 2013. The courthouse is named in honor of the late Chief District Judge John M. Roll of the District of Arizona, who was killed in a mass shooting in Tucson in 2011. The 56,800-square-foot structure includes judges' chambers, two courtrooms, and space for offices of the district and bankruptcy courts, Probation and Pretrial Services, and the U.S. Marshals Service. Designed to be energy-efficient, the building uses electrical power from a canopy of solar panels that will generate 26,000 kilowatt-hours annually, equivalent to one-quarter of its anticipated energy needs. Other design features include living



walls, supporting snail vine and California grape; solar thermal collectors, which will heat one-third of domestic water; and a stormwater basin with 29,000 cubic feet of capacity. A dedication ceremony will be held in April 2014. 

GROUND BROKEN FOR FEDERAL COURTHOUSE IN LOS ANGELES



Judges, community leaders, special guests and court staff gathered August 8, 2013, for a groundbreaking ceremony for the long-awaited United States Courthouse in downtown Los Angeles. The 600,000-square-foot courthouse, scheduled to be completed in 2016, will house courtrooms and chambers for the U.S. District Court for the Central District of California, along with office space for the U.S. Marshals Service, Office of the U.S. Attorney, Office of the Federal Public Defender, Department of Homeland Security, Federal Protective Service, and the General Services Administration. Pictured from left are Chief District Judge George H. King and District Judge Margaret M. Morrow of the Central District of California; Craig Hartman, architect, SOM; Ruth Cox, GSA Region 9 administrator; U.S. Representative Lucille Roybal-Allard, 40th Congressional District; Los Angeles Mayor Eric Garcetti; and Richard Heim, president/CEO, Clark Construction. ⚖️



GROUND BROKEN FOR NEW COURTHOUSE IN NORTHERN CALIFORNIA

Judges of the United States District Court for the Northern District of California along with special guests and community leaders gathered on July 8, 2013, for a groundbreaking ceremony marking the start of construction of a new federal courthouse near Eureka, California. The approximately 23,000-square-foot courthouse in McKinleyville is scheduled for completion in 2014. It will include a courtroom and chambers for a magistrate judge along with space for the U.S. Bankruptcy Court, U.S. Probation Office, Office of the U.S. Attorney, and the U.S. Marshals Service. Pictured from left are Magistrate Judge Nandor J. Vadas, who will be the resident judge; Senior District Judge Charles R. Breyer; U.S. Marshal Donald O'Keefe; Steve Moser, owner, Airport Business Park; Steven Doctor, president, C&SD Construction; and Ryan Sundberg, Fifth District supervisor, Humboldt County. ⚖️

A photograph of Circuit Judge Sidney R. Thomas, an older man with a grey beard and glasses, wearing a dark suit, a light blue shirt, and a red patterned tie. He is standing at a wooden podium with a microphone, gesturing with his hands as if speaking. The background is a law library with shelves filled with books.

WORK OF THE COURTS

Circuit Judge Sidney R. Thomas speaks to new law clerks at an orientation held in San Francisco.

WITH CASELOAD STEADY, APPEALS COURT IMPROVES PROCESSING TIME

The United States Court of Appeals for the Ninth Circuit continues to be the nation's busiest federal appellate court. In fiscal year 2013, the court's caseload remained virtually unchanged despite a slight increase in new filings. The court also reported another significant improvement in case processing times.

New appeals filed with the Ninth Circuit numbered 12,826 in FY 2013, up 1.1 percent from the prior year. The Ninth Circuit had 22.7

percent of all new appeals nationally, the most of any circuit. Appellate filings nationwide numbered 56,475, down 1.8 percent overall. Eight circuits reported declines of between less than 1 percent to 9 percent. Filings were up in four circuits, ranging as high as 5.8 percent in the Sixth Circuit.

The Ninth Circuit disposed of 12,779 cases in FY 2013, up 0.3 percent, and ended the year with a pending caseload of 14,270 cases, also up 0.3 percent.

Immigration matters and appeals brought by inmates in state or federal prisons within the circuit constituted two-thirds of the new filings, while more than half of all appeals were brought by litigants who were not represented by a lawyer.

Breakdown of New Appeals

District courts, which serve as trial courts in the federal judicial system, accounted for 61 percent of new filings in FY 2013. District courts generated 7,760 new appeals, down 4.1 percent from the prior year. Of the total, 6,091 were civil appeals and 1,669 were criminal appeals. More than half of all new civil appeals from the district courts were prisoner petitions involving habeas corpus, capital habeas corpus, civil rights,

1 APPELLATE CASELOAD PROFILE, 2012-2013

Caseload Measure	2012	2013	Change 2012-13
Filings	12,684	12,826	1.1%
Terminations	12,735	12,779	0.3%
¹ Pending Cases	14,223	14,270	0.3%

¹2012 pending cases revised.

2 FILINGS, TERMINATIONS AND PENDING CASES BY APPEAL TYPE, 2012-2013

Type of Appeal	Filings 2012	Filings 2013	Change 2012-13	% of Circuit Total	Terminations 2012	Terminations 2013	Change 2012-13	Pending 2012	Pending 2013	Change 2012-13
Civil										
U.S. Prisoner Petitions	513	549	7.0%	4.3%	628	584	-7.0%	375	343	-8.5%
Private Prisoner Petitions	2,777	2,519	-9.3%	19.6%	3,601	2,936	-18.5%	2,521	2,116	-16.1%
Other U.S. Civil	591	634	7.3%	4.9%	649	567	-12.6%	657	726	10.5%
Other Private Civil	2,538	2,389	-5.9%	18.6%	2,196	2,099	-4.4%	2,624	2,913	11.0%
Criminal	1,673	1,669	-0.2%	13.0%	1,705	2,099	-5.7%	1,783	1,846	3.5%
Other										
Bankruptcy	196	273	39.3%	2.1%	164	206	25.6%	231	299	29.4%
Administrative Appeals	3,675	4,054	10.3%	31.6%	3,092	4,041	30.7%	5,785	5,870	1.5%
Original Proceedings	721	739	2.5%	5.8%	700	738	5.4%	156	157	0.6%
Circuit Total	12,684	12,826	1.1%		12,735	12,779	0.3%	14,132	14,270	1.0%
National Appellate Total	55,126	56,475	2.4%		57,357	58,393	1.8%	43,633	41,670	-4.5%
Ninth Circuit as % of National Total	23.0%	22.7%	0.3%		22.2%	21.9%	0.3%	32.4%	34.2%	1.9%

Note: This table includes appeals reopened and remanded as well as original appeals. This table does not include data for the U.S. Court of Appeals for the Federal Circuit. Beginning in 2007, the category entitled "reopened," which includes all reopened appeals, has replaced the category entitled "reinstated." Therefore, data on reopened cases for 2007 and thereafter are not compatible to data published previously on reinstated cases.

prison conditions and other matters. The U.S. government was a plaintiff or defendant in 1,183 new civil appeals, 19.4 percent of the total new cases commenced.

Larger district courts produced greater numbers of appeals. The four district courts in California accounted for 64 percent of the new civil appeals and 48 percent of the new criminal appeals. The Central District of California, the busiest court in the circuit, generated 2,323 new appeals, six fewer than the prior year. The Eastern District of California had the next largest number of new appeals with 941, down 14.8 percent. Nine district courts generated fewer appeals than the prior year.

On the criminal side, major categories include 495 appeals for property offenses, 485 for drug offenses, 418 for immigration offenses, 124 for offenses involving firearms and explosives, 113 for sex offenses and 79 for violent offenses.

A substantial portion of the court's caseload consists of appeals of decisions by executive branch agencies, primarily the Board of Immigration Appeals, or BIA. Appeals of agency decisions were up for the second consecutive year with 4,054 new cases reported, an increase of 10.3 percent from FY 2012. BIA appeals increased by 11 percent to 3,881, which constituted 30.3 percent of the court's new filings. The Ninth Circuit had 53.7 percent of the total BIA appeals filed nationally in FY 2013.

Original proceedings commenced

3

MEDIAN TIME INTERVALS IN MONTHS FOR MERIT TERMINATIONS OF APPEALS, 2012-2013

By Stage of Appeal	Number of Months			
	Ninth Circuit		National	
	2012	2013	2012	2013
¹ From Filing of Notice of Appeal or Docket Date to Filing or Appellee's Last Brief	7.8	8.2	6.0	5.8
From Filing of Appellee's Last Brief to Oral Argument or Submission on Brief	7.8	8.7	4.5	4.1
From Oral Argument to Last Opinion or Final Order	1.1	1.2	2.1	2.1
From Submission on Brief to Last Opinion or Final Order	0.2	0.1	0.4	0.4
¹ From Filing of Notice of Appeal or Docket Date to Last Opinion or Final Order	15.3	13.3	9.8	9.0
From Filing in Lower Court to Last Opinion or Final Order in Appeals Court	33.8	32.9	29.0	28.3

Note: This table does not include data for the U.S. Court of Appeals for the Federal Circuit.
¹Docket date is used when computing the median time interval for original proceedings and appeals from administrative agencies.

in FY 2013 numbered 739 with the bulk involving second or successive habeas corpus petitions and mandamus appeals.

Terminations and Pending Cases

The court terminated 12,779, in FY 2013, up 0.3 percent from the prior year. Of the total, 7,582 cases were terminated on the merits: 1,512 after oral argument, 5,735 after submission on the briefs, and 335 by consolidation. Merit terminations included 2,635 prisoner cases, 1,216 criminal cases and 1,623 administrative agency appeals. Another 5,197 cases were terminated on procedural grounds by judges and court staff. Judicial panels produced 589 published and 6,658 memorandum dispositions for the year.

Among cases terminated on the merits in FY 2013, 4,385 were affirmed or enforced, while 970

cases were dismissed, reversed, remanded or disposed of by other means. Another 1,892 cases rejected on the basis of denial of a certificate of appealability. The court's overall reversal rate was 8.3 percent, compared to a national average of 6.7 percent. By category, reversal rates were 3 percent for prisoner appeals; 6.8 percent for civil cases in which the government was a party; 19.7 percent in other civil matters; 8.3 percent in administrative agency appeals; and 11.5 percent in original proceedings.

The court's pending caseload slightly increased by 0.3 percent to 14,270 in FY 2013. Among the pending cases, 41.1 percent involved administrative appeals; 25.5 percent civil matters; 17.2 percent prisoner petitions; and 13 percent criminal matters. Of the pending caseload, 36.3 percent had been pending less than 6 months, 22.2 percent pending 6 to 12

JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT



Judges are listed in order of seniority.

- | | |
|--|---|
| 1. Alex Kozinski, Chief Judge, <i>Pasadena, CA</i> | 23. M. Margaret McKeown, <i>San Diego, CA</i> |
| 2. Alfred T. Goodwin, <i>Pasadena, CA*</i> | 24. Kim McLane Wardlaw, <i>Pasadena, CA</i> |
| 3. J. Clifford Wallace, <i>San Diego, CA*</i> | 25. William A. Fletcher, <i>San Francisco, CA</i> |
| 4. Procter Hug, Jr., <i>Reno, NV*</i> | 26. Raymond C. Fisher, <i>Pasadena, CA</i> |
| 5. Mary M. Schroeder, <i>Phoenix, AZ</i> | 27. Ronald M. Gould, <i>Seattle, WA</i> |
| 6. Jerome Farris, <i>Seattle, WA*</i> | 28. Richard A. Paez, <i>Pasadena, CA</i> |
| 7. Harry Pregerson, <i>Woodland Hills, CA*</i> | 29. Marsha S. Berzon, <i>San Francisco, CA*</i> |
| 8. Arthur L. Alarcón, <i>Los Angeles, CA*</i> | 30. Richard C. Tallman, <i>Seattle, WA</i> |
| 9. Dorothy W. Nelson, <i>Pasadena, CA*</i> | 31. Johnnie B. Rawlinson, <i>Las Vegas, NV</i> |
| 10. William C. Canby, Jr., <i>Phoenix, AZ*</i> | 32. Richard R. Clifton, <i>Honolulu, HI</i> |
| 11. Stephen Reinhardt, <i>Los Angeles, CA</i> | 33. Jay S. Bybee, <i>Las Vegas, NV</i> |
| 12. John T. Noonan, Jr., <i>San Francisco, CA*</i> | 34. Consuelo M. Callahan, <i>Sacramento, CA</i> |
| 13. Diarmuid F. O'Scannlain, <i>Portland, OR</i> | 35. Carlos T. Bea, <i>San Francisco, CA*</i> |
| 14. Edward Leavy, <i>Portland, OR*</i> | 36. Milan D. Smith, Jr., <i>El Segundo, CA</i> |
| 15. Stephen S. Trott, <i>Boise, ID*</i> | 37. Sandra S. Ikuta, <i>Pasadena, CA</i> |
| 16. Ferdinand F. Fernandez, <i>Pasadena, CA*</i> | 38. N. Randy Smith, <i>Pocatello, ID</i> |
| 17. Andrew J. Kleinfeld, <i>Fairbanks, AK*</i> | 39. Mary H. Murguia, <i>Phoenix, AZ</i> |
| 18. Michael Daly Hawkins, <i>Phoenix, AZ*</i> | 40. Morgan Christen, <i>Anchorage, AK</i> |
| 19. A. Wallace Tashima, <i>Pasadena, CA*</i> | 41. Jacqueline H. Nguyen, <i>Pasadena, CA</i> |
| 20. Sidney R. Thomas, <i>Billings, MT</i> | 42. Paul J. Watford, <i>Pasadena, CA</i> |
| 21. Barry G. Silverman, <i>Phoenix, AZ*</i> | 43. Andrew D. Hurwitz, <i>Phoenix, AZ</i> |
| 22. Susan P. Graber, <i>Portland, OR*</i> | |

**Not Pictured*

months, and 41.4 percent for more than 12 months.

Median Time Intervals

Median time intervals, which measure how long it takes for cases decided on the merits to proceed through the appellate process, continued to improve in FY 2013. The median time interval from filing of a notice of appeal to final disposition of all cases was 13.3 months, down from 15.3 months in FY 2012 and 17.4 months in FY 2011. Median time intervals varied by type of case, ranging from less than 1 month for BIA and other administrative agency appeals to 20 months for bankruptcy appeals.

The median time interval from the filing of a case in a lower court to final appellate disposition was 32.9 months, down from 33.8 months in FY 2012. The national median time intervals in FY 2013 were 9 months from notice of appeal to final disposition by a circuit court of appeals, and 28.3 months from the filing of a case in a lower court to final disposition by a circuit court.

Once an appeal was fully briefed, Ninth Circuit judges decided cases fairly quickly. In FY 2013, the median time interval for panel decisions was 1.2 months for a case in which oral arguments were heard, and a matter of days for cases submitted on briefs.

Pro Se Filings and

Terminations

Pro se appeals involve at least one party who is not represented by counsel. In FY 2013, new appeals by pro se litigants numbered 6,630, up 3 percent from the prior year. Pro se litigants accounted for

52 percent of all appeals opened during the year. Prisoner petitions, 2,713, and agency appeals, 1,743, made up 67.2 percent of the new pro se cases. The majority of pro se appeals, 4,104 cases, involved decisions of the district courts of the circuit.

4 SOURCE OF APPEALS AND ORIGINAL PROCEEDINGS COMMENCED, 2013

District	Appeals	% of Total
Alaska	87	0.7%
Arizona	841	6.6%
C. Calif.	2,323	18.1%
E. Calif.	941	7.3%
N. Calif.	843	6.6%
S. Calif.	588	4.6%
Guam	11	0.2%
Hawaii	136	1.1%
Idaho	159	1.2%
Montana	231	1.8%
Nevada	522	4.1%
Northern Mariana Islands	12	0.1%
Oregon	416	3.2%
E. Wash.	168	1.3%
W. Wash.	482	3.8%
Bankruptcy	273	2.1%
Administrative Agencies, Total	4,054	31.6%
IRS	49	0.4%
NLRB	29	0.2%
BIA	3,881	30.3%
Other Administrative Agencies	95	0.7%
Original Proceedings	739	12.9%
Circuit Totals	12,826	

Note: Totals include reopened and remanded appeals as well as original appeals. Administrative agency cases previously reported as immigration service (INS) are shown under Board of Immigration Appeals (BIA) and U.S. Tax Court is shown under IRS.

5 NINTH CIRCUIT COURT OF APPEALS EN BANC BALLOTS, 2009-2013

Year	Petitions Filed for Rehearing En Banc	En Banc Ballots Sent	Grants of Rehearing En Banc Following A Vote	Denials of Rehearing En Banc Following A Vote
2013	832	32	17	15
2012	913	33	19	14
2011	826	128	13	14
2010	1,002	58	24	34
2009	1,014	36	14	22

¹En banc call withdrawn in one case.

The court terminated 6,945 pro se appeals in FY 2013, down 2 percent. Of that number, 2,892 were closed on procedural grounds, while 4,053 were terminated on the merits either after oral argument or submission on the briefs. Of the total, 4,465 were cases originated in the district courts. Prisoner petitions, 3,095, and agency appeals, 1,703, made up the bulk of the terminations.

En Banc Cases

En banc courts, which consist of 11 judges rather than three, are convened quarterly to resolve intra-circuit conflicts or other legal questions of exceptional importance. In FY 2013, 19 en banc courts were convened, each hearing one case. For the year, the court received 832 petitions seeking en banc review. Active judges of the court voted on 32 en banc requests, granting en banc review in 17 cases. En banc decisions issued by the court in FY 2013 numbered 11.


Death Penalty Cases

The court ended calendar year 2013 with 107 pending death penalty cases from six states. Arizona and California

had 44 and 40 pending cases, respectively. There were 13 pending cases in Nevada, six in Idaho, three in Washington and one in Oregon. Within the circuit, another 697 death penalty cases are pending before state supreme courts and federal trial courts of the circuit. Since 1976, there have been 74 executions by states within the circuit.

Contributions by Active, Senior and Visiting Judges

The court ended FY 2013 with 27 active circuit judges and 16 senior circuit judges. During the year, active circuit judges participated in 71 percent of all cases terminated on the merits, up slightly from prior year. Senior judges of the circuit were involved in 25 percent of the cases, while visiting judges helped decide 4 percent. Over the course of the year, 111 judges sat on the court by designation, including district judges from the Ninth Circuit and circuit judges and district judges from other circuits.

In addition to sitting on panels, senior circuit judges served on screening and motions panels and various administrative court committees. 

DISTRICT COURT CASELOADS DECLINE FOR SECOND YEAR

United States district courts, which serve as trial courts in the federal judicial system, have jurisdiction for nearly all civil and criminal matters. Of the 94 U.S. district courts nationwide, 15 are within the boundaries of the Ninth Circuit.

District courts in the Ninth Circuit reported fewer new cases for the second consecutive year. New filings in fiscal year 2013 totaled 61,667, down 6.9 percent from the prior year. Ninth Circuit district courts accounted for 17.4 percent of the 353,522 new cases filed nationwide.

Ten of 15 courts in the circuit reported declines in new criminal case filings. The Ninth Circuit as a whole accounted for 23.4 percent of the total criminal filings nationwide, which numbered 68,918, down 3.3 percent from the prior year.

In the Ninth Circuit, criminal defendants numbered 20,633, down 9.6 percent from prior fiscal year. Most defendants, 17,445, were charged with felony offenses. District courts reported 7,593 defendants charged with drug

offenses, constituting 37 percent of the total criminal defendants. Defendants charged with offenses involving marijuana numbered 3,455, which constituted 51.1 percent of the nationwide total of 6,766. Defendants charged with all other drug offenses numbered 4,138, or 18.5 percent of the nationwide total of 22,328.

Criminal defendants charged with immigration offenses numbered 7,017 and accounted for 34.5 percent of all criminal defendants in the circuit. Of the total, 5,697

Criminal Caseload and Defendants

Since FY 2012, the Administrative Office of the U.S. Courts has provided the following criminal statistics: the total number of new criminal cases commenced, the total number of new criminal defendants, and the number of new criminal defendants by type of offense. Data on criminal defendants takes into account that a single case may have multiple defendants.

District courts in the Ninth Circuit reported 16,136 new criminal cases, down 10.8 percent from FY 2012. Criminal cases terminated during the year numbered 17,070, down 15.8 percent, while the pending caseload at the end of the reporting period was 13,513, down 4.7 percent.

6 U.S. DISTRICT COURTS - TOTAL CRIMINAL AND CIVIL CASES FILED, TERMINATED AND PENDING, 2012-2013

Caseload Measure	2012	2013	¹ Change 2012-2013
Civil Filings	48,123	45,531	-5.4%
Criminal Filings	18,094	16,136	-10.8%
Total Filings	66,217	61,667	-6.9%
Civil Terminations	47,455	46,628	-1.7%
Criminal Terminations	20,277	17,070	-15.8%
Total Terminations	67,732	63,698	-6.0%
² Pending Civil Cases	39,972	38,875	-2.7%
Pending Criminal Cases	14,179	13,513	-4.7%
² Total Pending Cases	54,151	52,388	-3.3%
Civil Case Termination Index (in months)	10.11	10.00	-1.1%
Criminal Case Termination Index (in months)	8.38	9.50	13.4%
² Overall Case Termination Index	9.59	9.87	2.9%
Median Months (from filing to disposition) Civil Cases	6.70	7.30	9.0%
Median Months (from filing to disposition) Criminal Felony Defendants	5.70	5.20	-8.8%
Median Months National Total (from filing to disposition) Civil Cases	7.80	8.50	9.0%
Median Months National Total (from filing to disposition) Criminal Felony Defendants	7.20	6.80	-5.6%

Note: Criminal cases commenced includes all cases filed as felonies or Class A misdemeanors but includes only those cases filed as petty offenses that were assigned to district judges rather than magistrate judges. Pending totals for criminal cases exclude cases in which the only defendants pending in such cases had been fugitives more than 12 months before the end of the period indicated. Median computed only for 10 or more defendants.

¹Percent change not computed when fewer than 10 cases reported for the previous period.

²2012 total pending civil cases and total pending cases revised.

offenders were charged with improper reentry into the country.

District courts reported 2,462 defendants charged with property offenses. Of the total, 1,794 were charged with fraud; 462 with burglary, larceny or theft; 95 with embezzlement; 85 for forgery and counterfeiting; and 26 for other property offenses.

Defendants charged with firearms and explosive offenses numbered 959, while violent offenses, including homicide, robbery, assault, and other violent offenses numbered 596.

The District of Arizona, one of two district courts on the U.S.-Mexico border, had the largest numbers of defendants charged

with drug offenses and the second highest number of immigration offenses. Arizona defendants with drug-related offenses rose by 7.9 percent to 3,106 and accounted for 41 percent of the circuit total. Defendants with immigration offenses declined by 22.5 percent to 2,743 but still accounted for 39.1 percent of the circuit total.

7 U.S. DISTRICT COURTS - CRIMINAL DEFENDANTS COMMENCED BY OFFENSE AND DISTRICT, 2012-2013

	AK	AZ	C. Calif.	E. Calif.	N. Calif.	S. Calif.	GU	HI	ID	MT	NMI	NV	OR	E. Wash.	W. Wash.	Total 2012	Total 2013	Change 2012-13
Violent Offenses																		
Homicide	1	39	1	0	0	0	0	0	3	5	0	0	4	3	5	59	61	3.4%
Robbery	2	13	21	4	14	16	0	2	2	2	0	29	35	0	8	126	148	17.5%
Assault	1	104	11	5	8	20	2	4	11	37	0	14	15	3	10	273	245	-10.3%
Other	1	40	15	5	9	1	0	17	1	12	0	18	6	13	4	107	142	32.7%
Property Offenses																		
Burglary, Larceny & Theft	4	37	67	39	24	11	19	17	6	20	0	16	38	33	131	468	462	-1.3%
Embezzlement	8	17	5	5	2	9	1	4	7	20	1	1	7	2	6	80	95	18.8%
Fraud	26	344	341	134	112	348	10	41	18	26	4	113	74	129	74	2,240	1,794	-19.9%
Forgery & Counterfeiting	2	4	14	11	7	0	0	12	4	2	0	5	6	8	10	140	85	-39.3%
Other	0	6	4	2	0	1	0	0	2	0	0	2	2	0	7	36	26	-27.8%
Drug Offenses																		
Marijuana	13	2,688	52	72	36	360	0	16	46	16	0	3	30	25	98	3,395	3,455	1.8%
All Other Drugs	82	418	512	315	220	1,523	19	156	92	130	0	201	108	174	188	4,335	4,138	-4.5%
Firearms and Explosives Offenses																		
Sex Offenses	8	95	56	93	37	68	7	12	20	60	3	62	49	29	32	575	631	9.7%
Justice System Offenses																		
Immigration Offenses	1	39	11	13	12	27	0	6	1	2	2	9	15	9	3	166	150	-9.6%
Immigration Offenses																		
Improper Reentry by Alien	4	2,329	340	246	127	2,118	1	3	74	2	0	126	152	77	98	6,890	5,697	-17.3%
Other	1	414	13	3	13	859	3	1	1	0	0	3	1	1	7	1,596	1,320	-17.3%
General Offenses																		
Regulatory Offenses	27	85	66	22	27	74	6	21	9	6	6	8	14	10	24	409	405	-1.0%
Traffic Offenses	0	1	1	12	32	0	5	17	0	0	0	0	3	0	310	355	381	7.3%
All Offenses Total	249	6,869	1,652	1,084	841	5,528	82	377	332	412	19	731	659	618	1,141	22,762	20,594	-9.5%

Note: This table includes defendants in all cases filed as felonies or Class A misdemeanors but includes only those defendants in cases filed as petty offenses that were assigned to district judges rather than magistrate judges.

The circuit's other border court, the Southern District of California, had 2,977 defendants charged with immigration offenses, the most in the circuit although down 12.4 percent from prior fiscal year. The district ranked second in the circuit in number of defendants with drug-related offenses, 1,883, down 14.9 percent in FY 2013. The district had 24.8 percent of all defendants with drug-related offenses in the circuit.

With fewer new cases, eight courts were able to reduce their pending criminal caseloads.

Notable reductions were seen in the District of Arizona, which reported 344 fewer pending cases, a decrease of 13.7 percent, and the Southern District of California, which had 250 fewer pending cases, a 9.5 percent decrease.

Civil Caseload

In fiscal year 2013, district courts of the Ninth Circuit reported 45,531 new civil filings, down 5.4 percent from the prior year. Civil matters made up 73.8 percent of the district courts' total caseload. Civil filings increased nationally by 2.2 percent over the prior fiscal year.

District courts of the Ninth Circuit closed 46,628 cases, ending the fiscal year with a pending caseload of 38,875 cases.

Private civil cases, which numbered 35,978, accounted for 79 percent of all new civil filings in FY 2013. Within this category, prisoner petitions were most numerous, numbering 9,413, up 2.3 from the prior year. Prisoner petitions accounted for 26.2 percent of all new private civil cases.

Other major categories of new private civil filings were civil rights, 5,616 cases or 15.6

8 U.S. DISTRICT COURTS - WEIGHTED AND UNWEIGHTED FILINGS PER AUTHORIZED JUDGESHIP

District	Authorized Judgeships	Weighted Filings Per Judgeship						Unweighted Filings Per Judgeship			
		Civil	Criminal	Supervision Hearings	2013 Total	2012 Total	Change 2012-13	Civil	Criminal	Supervision Hearings	2013 Total
Alaska	3	111	77	0.56	189	196	-3.7%	97	82	4.00	183
Arizona	13	331	295	17.90	644	712	-9.6%	341	527	127.62	996
C. Calif.	28	596	52	4.28	652	691	-5.6%	504	59	30.07	593
E. Calif.	6	754	157	8.53	920	1,132	-18.7%	754	180	60.33	994
N. Calif.	14	562	52	4.36	618	675	-8.4%	426	60	30.14	516
S. Calif.	13	286	264	16.18	566	602	-6.0%	232	424	114.85	771
Hawaii	4	203	90	5.49	298	304	-2.0%	168	94	37.50	300
Idaho	2	320	158	5.74	484	577	-16.1%	287	166	41.00	494
Montana	3	235	142	7.54	385	380	1.3%	216	137	49.67	403
Nevada	7	454	98	5.04	557	547	1.8%	404	105	34.86	544
Oregon	6	413	96	8.47	517	533	-3.0%	385	110	60.33	555
E. Wash.	4	182	155	17.45	354	312	13.5%	193	153	122.75	469
W. Wash.	7	528	99	6.82	634	660	-3.9%	490	164	46.86	701
Circuit Total	110	4,975	1,735	108.36	6,818	7,321	-6.9%	4,497	2,261	759.98	7,519
Circuit Mean	***	383	133	8.34	524	563	-6.9%	346	174	58.46	578
Circuit Median	***	331	99	6.82	557	577	-3.5%	341	137	46.86	544
National Mean	***	413	113	5.81	531	478	11.2%	398	136	38.71	573
National Total	673	432	107	5.58	545	520	4.8%	400	135	37.86	573

Note: Case weights are based on the 2003-2004 district court case weighting study conducted by the Federal Judicial Center. This table excludes civil cases arising by reopening, remand, or transfer to the district by the order of the Judicial Panel on Multidistrict Litigation. This table includes defendants in all felony and Class A misdemeanor cases but include only those petty offense defendants whose cases have been assigned to district judges. Remands and reopens for criminal defendants are excluded. This table excludes data for the territorial courts. Data are reported for supervised release and probation hearings (both evidentiary and non-evidentiary) previously not presented in this table. Data are 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.

percent; contracts, 3,925 cases or 10.9 percent; intellectual property suits, 2,994 or 8.3 percent; real property suits, 2,784 cases or 7.7 percent; labor suits, 2,494 cases or 6.9 percent; and other personal injury, 2,392 or 6.6 percent.

Civil cases in which the U.S. government was a party numbered 9,553, accounting for 21 percent all civil filings. The government acted as a plaintiff in 2,071 cases and as a defendant in 7,482 cases. Among matters involving the government, social security cases were most numerous, rising 12.4 percent to 4,023 and accounting for 42.1 percent of the total. Other major categories were prisoner petitions 1,798 cases or 18.8 percent, and contracts, 1,136 cases or 11.9 percent.

Civil filings increased in four district courts in fiscal year 2013. The District of Arizona reported the largest increase, up 11 percent to 4,500 new cases. Civil filings numbered 2,371 in the District of Oregon, up 1.4 percent; 2,932 in the District of Nevada, up 0.8 percent; and 3,558 in the Western District of Washington, up 0.7 percent.

Civil filings were down in 10 district courts. The Central District of California, which had the highest civil caseload in the circuit and second in the nation, reported 14,733 filings, down 6.4 percent from FY 2012. Other districts reporting decreased filings were Alaska, Eastern


California, Northern California, Southern California, Hawaii, Idaho, Montana, Northern Mariana Islands, and Eastern Washington.

Civil case terminations in the Ninth Circuit numbered 46,628, down 1.7 percent in FY 2013. Civil terminations nationwide decreased by 6 percent to 255,260. Pending civil cases were down 2.7 percent to 38,875 in the circuit, while pending civil cases nationwide rose by 10.8 percent to 300,485.

Case Processing Times

Case processing times in the district courts of the Ninth Circuit held steady or increased in fiscal year 2013. The Case Termination Index, which computes how long it would take to clear the pending caseload if the current termination rate remained constant, was 9.87 months compared to 9.59 months the prior fiscal year.

The median time from filing to disposition of civil cases in the Ninth Circuit increased to 7.3 months from 6.7 months the prior fiscal year, while the national median increased from 7.8 to 8.5 months in FY 2013.

For criminal defendants, the median time from filing to disposition in the Ninth Circuit was 5.2 months compared to 5.7 months in FY 2012. The national median time was 6.8 months, down from 7.2 months the prior fiscal year. 

BANKRUPTCY FILINGS DOWN FOR THIRD YEAR

Bankruptcy filings in the Ninth Circuit declined for the third consecutive year. The 15 districts within the circuit reported 237,750 new filings in FY 2013, down 22.2 percent from the prior fiscal year. A rebounding economy and declining unemployment in states within the circuit contributed to the downturn.

Overall, 14 out of 15 districts in the circuit saw bankruptcy filings decline in FY 2013. They were led by Nevada and California, where unemployment rates declined modestly. The United States Bankruptcy Court for the Central District of California, the nation's busiest bankruptcy court, reported 82,861 filings, down 26 percent from FY 2012. The District of

Nevada reported 14,483 filings, down 25.5 percent from the prior fiscal year. Total bankruptcy filings in all four California judicial districts numbered 149,203, down 24.9 percent from FY 2012.

Declines in filings also were reported elsewhere in the circuit. The District of Arizona reported 24,046 new cases, down 20.2 percent. Filings were down by 10.8 percent to 20,477 in the Western District of Washington; by 14.8 percent to 13,677 in the District of Oregon; by 8.3 percent to 5,253 in the Eastern District of Washington; by 15.7 percent to 5,643 in the District of Idaho; by 14.9 percent to 1,851 in the District of Montana; by 13.4 percent to 2,313 in the District

of Hawaii; by 24.1 percent to 638 in the District of Alaska; and by 36.4 percent to 7 in the District of Northern Mariana Islands. Filings in the District of Guam increased by 6 cases to 159.

Chapter 7 cases were most numerous throughout the circuit and accounted for 79 percent of all new filings. Chapter 13 filings amounted to nearly 20.2 percent of the circuit total with Chapters 11 and 12 making up the remainder. Nonbusiness filings involving individual debtors accounted for 96.6 percent of all new cases.

Pro Se Bankruptcy Filings

The Ninth Circuit reported the highest number of new bankruptcy filings by people not represented by legal counsel. Some courts have established self-help centers for these pro se filers, who are unfamiliar with bankruptcy law and court procedures. Courts also are urging their local bars to assist by providing pro bono representation for some cases.

The Central District of California reported 21,097 pro se filings. The district accounted for 49.8 percent of the 42,334 pro se filings in the Ninth Circuit. The Ninth Circuit, in turn, accounted for 43.3 percent of pro se filings nationwide.

Also reporting large numbers of pro se bankruptcy filings were the Eastern District of California, 5,513 or 13 percent of all pro se filings in the circuit; the District of

9 BUSINESS AND NONBUSINESS BANKRUPTCY CASES COMMENCED, BY CHAPTER OF THE U.S. BANKRUPTCY CODE, 2012-2013

Caseload Measure	2012	2013	Change 2012-2013
Filings			
Business Chapter 7	7,394	5,885	-20.4%
Business Chapter 11	1,912	1,522	-20.4%
Business Chapter 12	108	69	-36.1%
Business Chapter 13	792	627	-20.8%
Nonbusiness Chapter 7	228,217	181,606	-20.4%
Nonbusiness Chapter 11	836	660	-21.1%
Nonbusiness Chapter 13	66,250	47,359	-28.5%
Total	305,509	237,728	-22.2%
Terminations	329,107	274,593	-16.6%
¹ Pending Cases	280,822	243,981	-13.1%

¹2012 pending cases revised

Note: Section 101 of the U.S. Bankruptcy Code defines consumer (nonbusiness) debt as that incurred by an individual primarily for a personal, family, or household purpose. If the debtor is a corporation or partnership, or if debt related to operation of a business predominates, the nature of the debt is business.

These figures include the following cases not reflected elsewhere:

Fiscal Year 2012

Arizona (Chapter 15 = 3); Central Calif. (Chapter 9 = 1, Chapter 15 = 2); Eastern Calif. (Chapter 9 = 3, Chapter 15 = 3); Northern Calif. (Chapter 9 = 1, Chapter 15 = 1); Nevada (Chapter 15 = 1)

Fiscal Year 2013

Alaska (Chapter 15 = 11); Arizona (Chapter 15 = 4); Central Calif. (Chapter 15 = 1); Northern Calif. (Chapter 9 = 1, Chapter 15 = 1); Southern Calif. (Chapter 15 = 1); Guam (Chapter 15 = 1); Western Wash. (Chapter 15 = 2)

Arizona, 5,144 or 12.2 percent; and the Northern District of California, 3,713 or 8.8 percent.

Terminations and Pending Cases

Cases terminated by bankruptcy courts in the Ninth Circuit numbered 274,593, which accounted for 23 percent of the 1,197,918 cases terminated nationally. The Central District of California, had the highest number of cases terminated in the circuit with 96,424 or 35.1 percent of all cases terminated in the circuit. The Eastern District of California followed with 35,146 cases or 12.8 percent; the District of Arizona, 28,595 cases or 10.4 percent; the Northern District of California, 24,455 cases or 9 percent; the Western District of Washington, 22,598 cases or 8.2 percent; the District of Nevada, 18,829 cases or 7 percent; and the Southern District of California, 15,212 cases or 5.5 percent.

Bankruptcy courts in the circuit reported 243,981 pending cases in fiscal year 2013, down 13.1 percent. The Central District of California saw its pending caseload decrease by 19.9 percent to 54,555 cases. The District of Arizona reported 37,572 pending cases, down 10.8 percent. Pending cases were up slightly in the District of Hawaii.

Municipal Bankruptcies

Since 2008, four municipalities in California have filed for bankruptcy. They include Vallejo, which sought bankruptcy protection in 2008, and Mammoth Lakes, Stockton and San Bernardino in 2012.

Bankruptcy exit plans for Vallejo and Mammoth Lakes were approved by the U.S. Bankruptcy Court for the Eastern District of California in 2011 and 2012, respectively, while San Bernardino struggles to get its plan approved amid dispute with the California Public Employees’ Retirement System, or CalPERS, over the city’s pension obligation to its employees.

In December 2013, a district court judge for the Central District of California granted CalPERS’ bid to appeal the bankruptcy court judge’s ruling directly to the U.S. Court of Appeals for the Ninth Circuit. Stockton’s bankruptcy exit plan is also on hold due to one creditor objecting to its proposed plan. In November 2013, a judge from the Eastern District of California bankruptcy court allowed all creditors to consider Stockton’s plan by voting on whether to accept or reject its plan. At year’s end, San Bernardino and Stockton’s plan remain pending.

Appointments, Transitions

In 2013, the U.S. Court of Appeals for the Ninth Circuit appointed seven new bankruptcy judges. The new judges were Eddward P. Ballinger, Daniel P. Collins, and Brenda Moody




NINTH CIRCUIT BANKRUPTCY COURTS, 2012-2013

District	Total Filings 2012	Total Filings 2013	Change 2012-2013
Alaska	841	638	-24.1%
Arizona	30,135	24,046	-20.2%
C. Calif.	111,909	82,861	-26.0%
E. Calif.	39,481	30,685	-22.3%
N. Calif.	28,935	21,841	-24.5%
S. Calif.	18,359	13,816	-24.7%
Guam	153	159	3.9%
Hawaii	2,672	2,313	-13.4%
Idaho	6,690	5,643	-15.7%
Montana	2,175	1,851	-14.9%
Nevada	19,434	14,483	-25.5%
N. Mariana Is.	11	7	-36.4%
Oregon	16,048	13,677	-14.8%
E. Wash.	5,726	5,253	-8.3%
W. Wash.	22,955	20,477	-10.8%
Circuit Total	305,524	237,750	-22.2%

Note: Due to differences among districts in reporting intra-district transfers, the total provided above for cases pending on September 30, 2013, may not equal the number obtained by adding totals for cases pending at the end of the prior period plus cases filed during the current period, then subtracting cases terminated during the current period.

Whinery, in Arizona district ; Hannah L. Blumenstiel, in the Northern District of California; Frederick P. Corbit, in the Eastern District of Washington; and Laurel E. Davis and August B. Landis in Nevada district.

The U.S. Bankruptcy Court for the District of Arizona saw a change of leadership in 2013. Elevated to chief bankruptcy judge in February was Judge Randolph J. Haines of Tucson.

Ninth Circuit bankruptcy courts also rely on recalled bankruptcy judges who are appointed on a temporary basis with the approval of the Judicial Council of the Ninth Circuit. In FY 2013, 15 recalled bankruptcy judges were serving in 11 districts. 

APPEALS TO BANKRUPTCY APPELLATE PANEL

Based in the Richard H. Chambers U.S. Court of Appeals Building in Pasadena, California, the Ninth Circuit Bankruptcy Appellate Panel hears appeals of decisions made by bankruptcy courts in the western states.

The BAP operates under the authority of the Judicial Council of the Ninth Circuit. Judges of the United States Court of Appeals for the Ninth Circuit appoint BAP judges, who serve seven-year terms and may be reappointed to an additional three-year term. They are precluded from hearing appeals arising from their own districts.

The BAP is authorized seven bankruptcy judges but has kept one seat vacant since 2003 to reduce costs.

All district courts within the Ninth Circuit have issued general orders providing for the automatic referral of bankruptcy appeals to the BAP for disposition. However, if any party files a timely election to have the appeal heard by a district court, the appeal is transferred according to the consent rule.

New Filings

After four years of steady increase, total BAP filings declined in fiscal year 2013. New appeals numbered 944, down 7 percent from FY 2012. The BAP handled 57 percent of all bankruptcy appeals, and the district courts handled 43 percent. Historically, the percentage of appeals that the BAP has handled has ranged between 49 percent and 60 percent.

NEW BANKRUPTCY APPEAL FILINGS, 2013

District	Bankruptcy Appellate Panel	District Court ¹	Total
Alaska	2	1	3
Arizona	57	43	100
C. Calif.	234	191	425
E. Calif.	71	16	87
N. Calif.	55	51	106
S. Calif.	26	16	42
Hawaii	2	12	14
Idaho	7	8	15
Montana	6	7	13
Nevada	43	32	75
Oregon	3	6	9
E. Wash.	14	1	15
W. Wash.	18	22	40
Total	538 (57%)	406 (43%)	944

¹The numbers for bankruptcy appeals to the district courts are taken directly from a statistical caseload table prepared by the Administrative Office of the United States Courts ('AOUSC Table B-23'). The numbers for bankruptcy appeals to the BAP are calculated based on data from AOUSC Table B-23 and on data from the BAP's CM/ECF docketing system. The district court numbers include all appeals in which a timely election was made to have the appeal heard in the district court (both appellant and appellee elections) as well as other cases transferred in the interest of justice. The BAP numbers exclude all such appeals.

*The BAP consists of, seated from left, Bankruptcy Judge Randall L. Dunn of the District of Oregon, new chair of the BAP; Bankruptcy Judges Jim D. Pappas of the District of Idaho, Meredith A. Jury of the Central District of California; and standing from left, Bankruptcy Judges *Eileen W. Hollowell of the District of Arizona, *Bruce A. Markell of the District of Nevada, and Chief Bankruptcy Judge Ralph B. Kirscher of the District of Montana.*

Not pictured: Chief Bankruptcy Judge Frank L. Kurtz of the Eastern District of Washington and Chief Bankruptcy Judge Laura S. Taylor of the Southern District of California.

**Term expired*



Dispositions

In fiscal year 2013, the BAP disposed of 678 appeals, down 6 percent the prior fiscal year. Of those, 192 appeals were merits terminations.

Oral argument was held in 151 appeals and 41 appeals were submitted on briefs. Of the 192 merits decisions, 24 were published opinions. The reversal rate was 5 percent. The median time for an appeal decided on the merits was 11.2 months.

Of the remaining 486 closed cases, 6 were terminated by consolidation; 112 were transferred to the district courts after appellee elections or in the interest of justice; and 368 were terminated on procedural grounds, such as for lack of prosecution, lack of jurisdiction or voluntary dismissal. The BAP ended fiscal year 2013 with 295 appeals pending, down 9 percent from FY 2011.

Appeals to the Ninth Circuit

The Ninth Circuit Court of Appeals has jurisdiction for second-level appellate review of bankruptcy decisions made by either the BAP or a district court. There were 268 second-level appeals filed in fiscal year 2013. Of these, 131 were appeals from decisions by the BAP and 137 were from decisions by the district courts. Thus, of the 678 appeals that were disposed of by the BAP, roughly 81 percent were fully resolved, with only about 19 percent seeking second-level review.

12 NINTH CIRCUIT BANKRUPTCY APPEAL FILINGS, 2011-2013

Year	Appeals Total	Raw Appeals Received by BAP	² Net Appeals BAP	³ Net Appeals District Court	⁴ Election Rate	Percentage of Appeals Heard by BAP
FY 2011	1,011	698	597	417	41%	59%
FY 2012	1,015	712	590	425	42%	58%
FY 2013	944	650	538	406	43%	57%

¹Number of new appellate filings received and opened as new case files at the BAP Clerk's Office. This figure includes some appeals where an appellee files an election and the appeal thereafter is transferred to district court. (Where a timely election is made by an appellant, the bankruptcy court generally bypasses the BAP and refers the appeal directly to the district court.)

²The number of raw bankruptcy appeals received by BAP less the number of appeals transferred from BAP to district court by election or other transfer.


³Includes the number of all bankruptcy appeals received by district court either referred directly from the bankruptcy court or transferred from the BAP.

⁴Percentage of bankruptcy appeals where one or more parties timely elected to have their appeals heard in district court.

BAP Use of Pro Tem Judges

The BAP continued to use bankruptcy judges from throughout the Ninth Circuit on a pro tem basis to assist with its caseload. In fiscal year 2013, the BAP used eight pro tem appointees to assist with oral arguments and merits decisions. The BAP reached out to seven of the Ninth Circuit's newly appointed bankruptcy judges to provide them the opportunity to review trial work from the appellate perspective.

Arizona, who had served on the panel since 2008. Chief Bankruptcy Judge Frank L. Kurtz of the Eastern District of Washington commenced his term on the BAP on July 10, 2013, when Bankruptcy Judge Bruce A. Markell of the District of Nevada retired from the bench.

Bankruptcy Judge Randall L. Dunn of the District of Oregon, who has served on the BAP since 2006, was reappointed to a three-year term, which commenced on July 30, 2013. Judge Dunn also was selected by his BAP colleagues to serve as chief judge of the panel. He succeeded Bankruptcy Judge Jim D. Pappas of Boise, Idaho, who stepped down after serving as chief judge since 2010. Judge Dunn assumed the gavel on August 1, 2013, and will serve as chief judge until 2016. 

BAP Transitions



Chief Bankruptcy Judge Laura S. Taylor and Bankruptcy Judge Frank L. Kurtz

Chief Bankruptcy Judge Laura S. Taylor of the Southern District of California joined the BAP on January 1, 2013. She succeeded Bankruptcy Judge Eileen W. Hollowell of the District of



MAGISTRATE JUDGES FULFILL KEY DUTIES

Magistrate judges are appointed under Article I of the Constitution. Selected by the district judges of their judicial district, magistrate judges are appointed to an eight-year term and may be reappointed. They also may serve as recalled magistrate judges.

Magistrate judges make invaluable contributions to the work of the federal trial courts. They assist district judges in a variety of judicial matters with duties ranging from handling petty offenses to taking felony pleas. Magistrate judges conduct preliminary proceedings, decide trial jurisdiction matters, review prisoner petitions and perform other duties. They may also preside over civil trials with consent of the parties.

In 2013, the Administrative Office of the United States Courts has used a new software program to recalculate

2013 statistics and previous years. In some categories, statistics differ in this report compared to those in previous reports.

In 2013, 103 full-time and 11 part-time magistrate judges along with 18 recalled magistrate judges served in 15 district courts of the Ninth Circuit. They disposed of a combined 253,748 judicial matters during the year. Their dispositions were down 6.2 percent from fiscal year 2012.

Preliminary proceedings is the largest category of matters presided over by magistrate judges. These proceedings include arraignments, initial appearances, detention hearings and warrants for searches and arrests. Preliminary proceedings in fiscal year 2013 numbered 93,783, down 6.8 percent from FY 2012. Among all categories only warrants for searches and arrests showed increases in FY 2012.

Search warrants rose 14.7 percent to 14,971, while arrest warrants were up .6 percent to 7,651.

Additional duties related to criminal matters were down 5.4 percent to 46,465. This category includes non-dispositive and dispositive motions, pretrial conferences, hearings on probation revocations and supervised release, and guilty plea proceedings. Non-dispositive motions numbered 15,967, up 9.1 percent from FY 2012 total of 14,630.

Additional duties related to civil matters were down 4.4 percent to 49,102 from 51,363 in FY 2012. Non-dispositive motions/grants of in forma pauperis, or IFP, status, pretrial conferences and settlement conferences made up the bulk of this work.

Trial jurisdiction cases, which include Class A misdemeanors and petty offenses, numbered 37,804,

down 6.1 percent from FY 2012. Petty offenses were down 7.4 percent to 34,915 while Class A misdemeanors were up 13.7 percent to 2,889.

Civil consent cases, in which a magistrate judge presides at the consent of the parties, increased by 2.9 percent to 4,760. The great majority of cases were disposed of without trial. Prisoner petitions numbered 6,734, down 9.8 percent from the prior fiscal year. State habeas and civil rights petitions made up the bulk of this work.

New Magistrate Judges and Governance

Four new full-time magistrate judges were sworn into office in 2013. They were Douglas F. McCormick and Alka Sagar of the Central District of California; Nancy J. Koppe of the District of Nevada; and John T. Rodgers of the Eastern District of Washington.

Clerk of Court Heather L. Kennedy of the District of the Northern Mariana Islands took the oath of office as a magistrate judge in June 2013. She was the district's first magistrate judge and is only the third in the nation to hold a combined position of part-time magistrate judge and clerk of court.

Chief Magistrate Judge Candy W. Dale of the District of Idaho succeeded Magistrate Judge David K. Duncan

¹In 2013, magistrate judge workload statistics were produced using a new software program that recalculated the statistics for 2013 and for previous years. In some categories, the statistics provided in the report differ from the ones displayed in those categories in previous reports. Non-dispositive motions/grants of IFP status category includes prisoner cases, social security cases and other civil cases. Total matters disposed of by Ninth Circuit magistrate judges in fiscal year 2012 revised

²Due to a reporting problem, CJA fee applications, a component of Miscellaneous Matters are estimated at their 2009 level.

13 MATTERS DISPOSED OF BY NINTH CIRCUIT MAGISTRATE JUDGES, 2012-2013

Activity	2012	2013	Percent Change 2012-2013
Total Matters	270,415	253,748	-6.2%
Preliminary Proceedings	100,598	93,783	-6.8%
Search Warrants	13,057	14,971	14.7%
Arrest Warrants	7,609	7,651	0.6%
Summonses	1,226	1,119	-8.7%
Initial Appearances	25,741	23,341	-9.3%
Preliminary Hearings	8,550	7,307	-14.5%
Arraignments	20,643	17,306	-16.2%
Detention Hearings	15,474	14,489	-6.4%
Bail Reviews/Forfeitures/Nebbia Hearings	1,846	1,788	-3.1%
Other	6,452	5,811	-9.9%
Trial Jurisdiction Cases	40,264	37,804	-6.1%
Class A Misdemeanors	2,542	2,889	13.7%
Petty Offenses	37,722	34,915	-7.4%
Civil Consent Cases	4,627	4,760	2.9%
Without Trial	4,562	4,693	2.9%
Jury Trial	51	51	0.0%
Nonjury Trial	14	16	14.3%
Additional Duties			
Criminal	49,097	46,465	-5.4%
Non-Dispositive Motions	14,630	15,967	9.1%
Dispositive Motions	180	219	21.7%
Evidentiary Proceedings	124	139	12.1%
Pretrial Conferences	18,866	15,879	-15.8%
Probation and Supervised Release Revocation Hearings	1,470	1,933	31.5%
Guilty Plea Proceedings	12,137	9,669	-20.3%
Other	1,690	2,659	57.3%
Civil	51,363	49,102	-4.4%
Settlement Conferences/Mediations	2,667	2,977	11.6%
Other Pretrial Conferences	4,942	4,095	-17.1%
¹ Non-Dispositive Motions/Grants of IFP Status	37,425	35,974	-3.9%
Other Civil Dispositive Motions	2,334	2,195	-6.0%
Evidentiary Proceedings	93	86	-7.5%
Social Security	702	719	2.4%
Special Master References	1	2	100.0%
Other	3,199	3,054	-4.5%
Prisoner Petitions	7,463	6,734	-9.8%
State Habeas	3,381	2,973	-12.1%
Federal Habeas	449	355	-20.9%
Civil Rights	3,611	3,383	-6.3%
Evidentiary Proceedings	22	23	4.5%
² Miscellaneous Matters	17,003	15,100	-11.2%

of the District of Arizona as chair of the Magistrate Judges Executive Board. Judge Dale serves as an official observer at meetings of the Judicial Council of the Ninth Circuit. Her term began in 2012 and will expire in 2014. Appointed to the board in 2013 were Magistrate Judge-Clerk Kennedy, Chief Magistrate Judge Elizabeth D. Laporte of the Northern District of California and Magistrate Judge Mark D. Clarke of the District of Oregon.

New magistrate judges attending the New Judges Orientation held May 2-3, 2013, at the James R. Browning U.S. Courthouse in San Francisco, had the opportunity to meet the Magistrate Judges Executive Board. During an informal session, board members offered advice and encouragement and shared their own experience in dealing with complex matters.

Educational Program

The Magistrate Judges Education Committee sponsored a program in conjunction with the Federal Judicial Center's national program for magistrate judges. Held July 2013 at the U.S. District Court in San Diego, the Ninth Circuit program, "How Competent Are You When It Comes to Competency Hearings?" focused on mental competency, including government statute, competency hearings, and issues related to treatment, restoration of competency, involuntary medication, speedy trial implications, and final disposition. 

FEDERAL DEFENDERS COPE WITH SEQUESTRATION

Offices of the Federal Public Defenders open fewer cases in fiscal year 2013, a decline due in part to the staff reductions resulting from sequestration. Total cases opened numbered 32,539, down by 3.3 percent from FY 2012.

Between October 2012 and June 2013, staffing levels at federal defender offices in the nation declined by 6 percent according to 87 chief district judges, who sent a collective letter to the president, expressing their concern over the \$50 million budget shortfall for defender services.

Federal defenders in eight districts reported reduced caseloads in FY 2013. The sharpest decline, both numerically and percentage-wise, was in the Southern District of California, which reported 6,636 new cases, down 15.8 percent from the prior fiscal year. The Central District of California followed with 3,441 cases, down 6.7 percent; District of Oregon, 1,337 cases, down 5.8 percent;

District of Montana, 629 cases, down 7.2 percent; District of Hawaii, 483 cases, down 7.3 percent; District of Nevada, 1,064 cases, down 3.3 percent; District of Idaho, 279 cases, down 7.9 percent; and the District of Guam, 114 cases, down 8.1 percent.

Elsewhere in the circuit, federal defenders in six districts reported an increase in new cases. The

14 NINTH CIRCUIT FEDERAL DEFENDER ORGANIZATIONS: CASES OPENED, CLOSED AND PENDING, 2009-2013

Cases	2009	2010	2011	2012	2013	Change 2012-2013
Opened	30,552	31,691	33,929	33,664	32,539	-3.3%
Closed	29,316	31,508	33,733	33,376	33,192	-0.6%
Pending	10,580	10,753	10,950	11,236	10,120	-9.9%

15 FEDERAL DEFENDER ORGANIZATIONS: SUMMARY OF REPRESENTATIONS BY DISTRICT, 2012-2013

District	Opened 2012	Opened 2013	Change 2012-2013	Closed 2012	Closed 2013	Change 2012-2013	Pending 2013
Alaska	302	347	14.9%	348	312	-10.3%	125
Arizona	12,033	12,085	0.4%	12,297	11,681	-5.0%	1,270
C. Calif.	3,688	3,441	-6.7%	3,323	3,256	-2.0%	1,843
E. Calif.	1,700	1,744	2.6%	1,776	1,822	2.6%	712
N. Calif.	1,761	1,944	10.4%	1,671	1,880	12.5%	656
¹ S. Calif.	7,881	6,636	-15.8%	7,525	7,692	2.2%	2,586
Guam	124	114	-8.1%	131	107	-18.3%	82
Hawaii	521	483	-7.3%	551	622	12.9%	322
¹ Idaho	303	279	-7.9%	289	286	-1.0%	137
¹ Montana	678	629	-7.2%	716	617	-13.8%	222
Nevada	1,100	1,064	-3.3%	1,110	1,061	-4.4%	714
Oregon	1,420	1,337	-5.8%	1,445	1,484	2.7%	653
¹ E. Wash.	811	1,025	26.4%	839	977	16.4%	359
W. Wash.	1,342	1,411	5.1%	1,355	1,395	3.0%	439
Circuit Total	33,664	32,539	-3.3%	33,376	33,192	-0.6%	10,120
National Total	137,764	138,039	0.2%	135,579	140,260	3.5%	45,228
Circuit Total as % of National Total	24.4%	23.6%	-0.9%	24.6%	23.7%	-1.0%	22.4%

¹Community Defender Organizations

Note: Eastern Washington and Idaho are combined into one organization, and Northern Mariana Islands is not served by a defender organization. In addition to handling criminal defenses and appeals, public defenders are assigned to court-directed prisoner and witness representations, bail/pre-sentencing, supervised release, and probation and parole revocation hearings.

Eastern District of Washington had the biggest increase, percentage-wise, reporting 1,025 cases, up 26.4 percent. Other offices with increases were the Northern District of California, 1,944 cases, up 10.4 percent; the Western District of Washington, 1,411 cases, up 5.1 percent; the District of Arizona, 12,085 cases, up 0.4 percent; the District of Alaska with 347 cases, up 14.9 percent; and the Eastern District of California, 1,744 cases, up 2.6 percent.

Despite staff losses, federal public defenders in the circuit worked efficiently, closing 33,192 cases, down only 0.6 percent from the prior year. And for the first time since 2001, pending caseloads, which numbered 10,120, have decreased by 9.9 percent.

The Southern District of California had the highest number of cases closed with 7,692 cases, up 2.2 percent. Higher terminations also were reported by the Northern District of California, with 1,880 cases, up 12.5 percent; the Eastern District of California, 1,822 cases, up 2.6 percent; the District of Oregon, 1,484 cases, up 2.7 percent; the Western District of Washington, 1,395 cases, up 3 percent; the Eastern District of

Washington, 977 cases, up 16.4 percent; and the District of Hawaii, 622 cases, up 12.9 percent.

New cases opened nationally numbered 138,039, a slight increase of .2 percent from FY 2012.


Cases closed nationally numbered 140,260, up 3.5 percent. The pending caseload nationally totaled 45,228, down 6.1 percent.

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 U.S. Courts.

Community defender organizations are non-profit legal service organizations staffed by non-government employees, while public defender offices are federal agencies staffed by federal judiciary employees. Both types of organizations are staffed with experienced federal criminal law practitioners who provide a consistently high level of representation. Federal

public defender representations include criminal defense and appeals, court-directed prisoner and witness representations, bail/pre-sentencing, supervised release, and probation and parole revocation hearings.

By statute, judges of a court of appeals select and appoint federal public defenders to four-year terms. 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.

In May 2013, Heather E. Williams took office as the new federal public defender for the Eastern District of California. She succeeded Daniel Broderick, who retired in December 2012. 

PROBATION OFFICERS CARRY ON DESPITE BUDGET SHORTFALL

United States probation officers prepare presentence reports on convicted defendants and supervise offenders who have been placed on probation, supervised release, civilian and military parole, or conditional release. Probation officers perform these duties in various settings, from courthouses in major cities to one-person offices in rural areas.

Presentence Reports

Probation officers investigate the offense conduct and the defendant's personal background. They identify applicable guidelines and policy statements, and calculate the defendant's offense level and criminal history category. They report the resulting sentencing range, identifying factors relevant to the appropriate sentence. Presentence reports assist a judge in sentencing convicted defendants.

Standard guideline presentence reports are generally prepared in felony and Class A misdemeanor cases for which the U.S. Sentencing Commission has promulgated guidelines. In the Ninth Circuit, probation officers prepared 14,997 reports in fiscal year 2013, down 17 percent from the prior year. The circuit accounted for 20 percent of the national total of 73,663 submitted presentence reports.

Post-Conviction Supervision of Offenders

Probation officers supervise persons who are released to the

16 NINTH CIRCUIT FEDERAL PROBATION SYSTEM: PERSONS UNDER POST-CONVICTION SUPERVISION, 2012-2013

Persons Under Supervision	2012	2013	Change 2012-2013
¹ From Courts	3,895	3,667	-5.9%
² From Institutions	17,994	18,367	2.1%
Total	21,889	22,034	0.7%

¹Includes judge and magistrate judge probation.

²Includes parole, special parole, mandatory release, and military parole. Fiscal year 2012 total for persons under supervision from institutions revised.

community after serving prison sentences or placed on probation supervision by the court. They assist supervised individuals by directing them to services, including substance abuse and mental health treatment, medical care, employment assistance, literacy and training programs, and cognitive-behavioral treatment therapies to foster long-term positive changes to reduce recidivism. By using both controlling and correctional strategies, officers work diligently to protect the community, while promoting long-term change in the offender population.

Probation officers in the Ninth Circuit supervised 22,034 persons in FY 2013, up slightly from the prior fiscal year. The circuit accounted for 16.7 percent of the national total of 131,869 persons under supervision.

Among those under supervision, 3,667 were on probation, 18,213 were on supervised release, 139 persons were on parole, and 15 individuals adhered to Bureau of Prisons custody standards.

Offenders with convictions for drugs, property crimes, firearms and immigration offenses are the largest

group of persons under supervision in the Ninth Circuit. These offenders numbered 18,137, accounting for 82.3 percent of persons under supervision in the Ninth Circuit.

Revocations and Early Terminations

Ninth Circuit cases that were revoked and closed after post-conviction supervision numbered 3,355, down 17.4 percent from FY 2012. Of the revocations, 199 were from probation sentences and 3,146 were from supervised release terms. The Ninth Circuit had 21.8 percent of the 15,362 cases revoked nationally. The national revocation rate for FY 2013 was 28 percent, while the Ninth Circuit's revocation rate was 33 percent.

Since 2002, the Judicial Conference of the United States Committee on Criminal Law has encouraged officers to identify offenders who qualify for early termination. When conditions of supervision have been met, and the offender does not pose a foreseeable risk to the public or an individual, the probation officer may request the sentencing judge to consider early termination. For FY 2013, there were 7,055 cases

NINTH CIRCUIT FEDERAL PROBATION SYSTEM: PERSONS UNDER POST-CONVICTION SUPERVISION BY DISTRICT, 2012-2013

District	From Courts	⁴ Referred by Institutions			Persons Under Supervision, 2012	Persons Under Supervision, 2013	Change 2012-2013
	¹ Probation	Supervised Release	² Parole	³ BOP Custody			
Alaska	85	260	0	4	323	349	8.0%
Arizona	688	3,068	10	7	3,668	3,773	2.9%
C. Calif.	845	4,679	32	0	5,697	5,556	-2.5%
E. Calif.	218	1,472	19	0	1,674	1,709	2.1%
N. Calif.	364	1,359	15	0	1,816	1,738	-4.3%
S. Calif.	311	2,225	11	0	2,465	2,547	3.3%
Guam	58	92	2	0	166	152	-8.4%
Hawaii	99	668	1	0	775	768	-0.9%
Idaho	106	398	3	1	489	508	3.9%
Montana	109	671	4	3	706	787	11.5%
Nevada	232	849	7	0	1,073	1,088	1.4%
N. Mariana Is.	11	26	0	0	39	37	-5.1%
Oregon	263	828	12	0	1,090	1,103	1.2%
E. Wash.	72	481	4	0	529	557	5.3%
W. Wash.	206	1,137	19	0	1,379	1,362	-1.2%
Circuit Total	3,667	18,213	139	15	21,889	22,034	0.7%

¹Includes judge and magistrate judge probation.

²Includes parole, special parole, mandatory release, and military parole.

³BOP (Bureau of Prisons)

⁴Fiscal year 2012 total for persons under supervision from institutions revised.

terminated early, resulting in a savings to the Judiciary of over \$32 million.

Evidence Based Practices

Federal probation officers seek to reduce recidivism by using “evidence-based practices” to make informed decisions about the supervision risks offenders may pose. The process known as Post-Conviction Risk Assessment, or PCRA, is undertaken to improve post-conviction supervision. PCRA helps direct allocation of resources, directing attention and services to the highest risk offenders. Along with this risk/needs assessment tool, evidence-based practices include the use of low-risk supervision caseloads and reentry programs, including reentry drug courts and cognitive behavioral therapy programs.


STARR, the acronym for Strategic Techniques Aimed at Reducing Re-arrest program, focuses on those skills most helpful to an officer in trying to change offender behavior.

Disruption Caused by Sequestration

The budget sequestration in fiscal year 2013 was devastating to the probation and pretrial services system. Salary funding was reduced by 14 percent, resulting in a major disruption to overall operations. Many offices experienced mass layoffs and furloughs, causing a workload management crisis. Presentence reports often could not be prepared in a timely manner, while supervision of offenders, particularly those considered high risk, was sometimes compromised, resulting in a possible threat to public safety.

Operations funding was reduced by 20 percent. Law enforcement funding, which pays for aftercare treatment and drug testing services, location monitoring and officer travel, was reduced by 40 percent, resulting in many offenders not receiving much needed services. Second Chance Act funding, used to assist offenders with reentry services following their incarceration, was eliminated. Many probation offices continue to deal with the impact of post-sequestration issues, and recovery efforts are underway to rebuild our overall infrastructure.

Transitions

Willie Blasher, Jr., was appointed acting chief probation officer for the District of Oregon on March 1, 2013. 

PRETRIAL SERVICES OFFICERS ENDURE FUNDING CUTS

United States pretrial services officers contribute significantly to the federal judicial system. In the Ninth Circuit, officers contribute to the fair administration of justice, protect the community, and bring about positive change to individuals under supervision.

Pretrial services officers investigate defendants charged with federal crimes, recommend to the court whether to release or detain them, and supervise those who are released to the community pending trial. While defendants are presumed innocent until proven guilty, pretrial services officers balance this presumption with the realization that some persons, if not detained, are likely to flee or engage in criminal activity that may pose a danger to the community or individuals.

Officers conduct pretrial diversion investigations and prepare written reports about a diversion candidate's suitability for the Office of the U.S. Attorney's Pretrial Diversion Program. They are responsible for supervision of diverted defendants who are deemed appropriate and accepted into the program.

Challenges

In 2013, pretrial services offices across the Ninth Circuit and throughout the Judiciary were severely and adversely affected by loss of funding under sequestration, resulting in serious

18

PRETRIAL SERVICES CASES ACTIVATED IN NINTH CIRCUIT COURTS, 2012-2013

Caseload Measure	2012	2013	Change 2012-2013
¹ Reports	38,454	38,277	-0.5%
Interviews	10,035	9,671	-3.6%
Cases Activated	38,765	38,690	-0.2%

Note: Total pretrial services cases activated includes complaints, indictment/information, material witness, superseding, and other cases, and includes data reported for previous periods as "transfers received."

¹Fiscal year 2012 reports revised.

challenges to their mission of achieving criminal justice and protecting the community.

In recent, pretrial services offices have lost officers and support staff. By the end of 2013, staffing losses ran as high as 30 percent. Although severely understaffed and underfunded, the Ninth Circuit pretrial services offices continued to provide a high level of service to the courts and the community.

Case Activations

Pretrial services offices in the Ninth Circuit continue to rank first nationally in new cases activated. In fiscal year 2013, case activations in the circuit numbered 38,690, a slight decrease of 0.2 percent from FY 2012. New case activations nationwide totaled 108,002, down 0.3 percent from the prior year. The Ninth Circuit continues to account for just over 35 percent of all case activations.

Bail Reports, Supervision

Pretrial services officers in the Ninth Circuit prepared 37,842 written pre-bail reports and 435

post-bail reports over the course of the fiscal year. Bail reports were prepared in 97.8 percent of the cases activated. Officers conducted 9,671 pretrial bail interviews.

Excluding immigration, officers recommended pretrial release in 42.8 percent of cases. U.S. attorneys recommended release in 34.1 percent of cases during this period.

During FY 2013, a total of 5,693 defendants were received for supervision which was down 2 percent from 5,810 in FY 2012. Of these, 4,195 were received for regular supervision; 1,337 were supervised on a courtesy basis from another district or circuit; and 161 were on pretrial diversion caseloads.

Detention Summary

Pretrial services officers in the Ninth Circuit detained a total of 28,075 defendants in fiscal year 2013, the highest in the nation. Defendants were detained an average of 202 days. The Ninth Circuit accounted for 21.7 percent of the total days of defendant incarceration nationally.

19 PRETRIAL WORKLOAD, 2012-2013

District	Defendant Contact		Written Reports			Total Cases Activated 2012	Total Cases Activated 2013	Change 2012-2013
	Interviewed	¹ Not Interviewed	² Pre-bail	Post-bail	No Reports Made			
Alaska	119	104	219	0	4	218	223	2.3%
Arizona	1,699	21,285	22,913	32	39	22,037	22,984	4.3%
C. Calif.	1,287	837	2,114	6	4	2,488	2,124	-14.6%
E. Calif.	410	674	1,051	7	26	1,149	1,084	-5.7%
N. Calif.	455	461	679	234	3	1,058	916	-13.4%
S. Calif.	3,651	3,200	6,756	44	51	7,592	6,851	-9.8%
Guam	66	22	83	1	4	130	88	-32.3%
Hawaii	324	50	372	0	2	315	374	18.7%
Idaho	86	278	297	5	62	373	364	-2.4%
Montana	201	216	413	0	4	398	417	4.8%
Nevada	471	335	800	5	0	789	806	2.2%
N. Mariana Is.	25	2	27	0	1	44	27	-38.6%
Oregon	255	435	663	12	15	748	690	-7.8%
E. Wash.	224	378	400	13	189	379	602	58.8%
W. Wash.	398	742	1,055	76	9	1,047	1,140	8.9%
Circuit Total	9,671	29,019	37,842	435	413	38,765	38,690	-0.2%
National Total	58,222	49,780	101,709	2,853	3,440	108,273	108,002	-0.3%
Circuit % of National	16.6%	58.3%	37.2%	15.2%	12.0%	35.8%	35.8%	0.0%

Note: This table excludes data for the District of Columbia and includes transfers received.

¹Includes cases in which interviews were refused, includes defendants not available for interview, and includes transfer-received cases in which defendants were interviewed in other districts.

²Includes prebail reports both with recommendations and without, and includes types of reports categorized in previous periods as "other reports."

Violations

Of 12,092 cases in release status, violations were reported in 1,248. They included 86 violations for felony re-arrests, 90 violations for misdemeanor re-arrests, 24 for "other" violations, and 107 for failure to appear. The remainder were for technical violations, including positive urine tests for illegal substances, violation of electronic monitoring conditions, possession of contraband, and failure to report to a supervising officer.


Evidence-Based Practices

All districts in the Ninth Circuit now use Pretrial Services Risk

Assessment. This "evidence-based" tool helps officers make informed decisions about supervision risks posed by defendants released to the community. Many districts also use this tool to contain costs, ensuring that the majority of alternatives to detention funding is being utilized on higher risk defendants, who demonstrate more needs under supervision.

In FY 2013, some districts implemented or continued new diversion courts which allow successful defendants to have their cases dismissed or to have their sentences reduced. These include the "Alternative

to Prison Solutions," or APS, a pilot diversion program, in the Southern District of California, and the "Conviction and Sentencing Alternatives Program," or CASA, a post-conviction/ presentence diversion program in the Central District of California.

Each of these forward-thinking and teamwork-related diversion programs were hailed as national models by the attorney general of the United States. In just their first couple of years, these programs have already saved millions in tax-payer dollars, while also improving the lives of the graduating defendants. 

JUROR UTILIZATION

20 JUROR UTILIZATION, 2012-2013

District	Grand Juries Empaneled, 2012	Petit Juries Selected, 2013	¹Petit Juror Utilization Rate Percent Not Selected or Challenged		
			2012	2013	Change 2012-2013
Alaska	2	13	27.5	32.9	5.4
Arizona	14	109	33.8	30.3	-3.5
C. Calif.	31	159	47.2	47.4	0.2
E. Calif.	9	82	43.8	42.5	-1.3
N. Calif.	6	60	43.6	38.2	-5.4
S. Calif.	8	117	42.6	38.1	-4.5
Guam	2	4	30.8	74.7	43.9
Hawaii	3	12	37.3	33.5	-3.8
Idaho	6	18	21.2	20.0	-1.2
Montana	6	34	27.6	34.8	7.2
Nevada	6	53	44.0	30.1	-13.9
N. Mariana Is.	3	38	49.2	71.7	22.5
Oregon	8	40	28.1	39.0	10.9
E. Wash.	6	20	22.8	26.6	3.8
W. Wash.	4	41	32.0	31.0	-1.0
Circuit Total	114	800	***	***	
Circuit Average	14	100	35.4	39.4	4.0
National Total	778	4,656	***	***	
National Average	8	49	37.3	37.5	0.2

Note: This table includes data on jury selection days only. Data on juror service after the selection day are not included.

¹Jurors who completed pre-screening questionnaires or were in the courtroom during the conducting of voir dire but were not selected or challenged.

²Other jurors, not selected or challenged, who were not called to the courtroom or otherwise did not participate in the actual voir dire.

COURT INTERPRETERS

21 | INTERPRETER USAGE BY DISTRICT COURTS, 2013

Language	AK	AZ	CAC	CAE	CAN	CAS	GU	HI	ID	MT	NV	NMI	OR	WAE	WAW	2012 Total	2013 Total	Change 2012-13
Arabic	0	0	18	8	4	16	0	0	0	0	0	0	0	0	0	69	46	-33.3%
Armenian	0	0	138	23	0	3	0	0	0	0	6	0	0	0	1	103	171	66.0%
Cantonese	0	4	78	156	97	5	0	0	0	0	5	0	2	0	14	305	361	18.4%
Farsi	0	0	34	2	19	13	0	0	0	0	0	0	0	0	0	36	68	88.9%
Japanese	0	0	7	0	8	6	6	4	0	0	1	0	0	0	0	18	32	77.8%
Korean	10	0	169	4	4	3	23	30	0	0	7	0	0	0	35	390	285	-26.9%
Mandarin	0	11	104	8	64	23	27	17	0	4	19	0	2	0	22	414	301	-27.3%
Navajo (Certified)	0	74	0	0	0	0	0	0	0	0	0	0	0	0	0	67	74	10.4%
Navajo (Non-Certified)	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
Russian	9	0	52	72	17	3	0	0	4	0	11	0	6	0	24	227	198	-12.8%
Sign (American)	0	4	3	6	0	2	0	1	2	2	2	0	1	0	7	50	30	-40.0%
Sign (Mexican)	0	1	0	0	0	5	0	0	0	0	0	0	0	0	0	4	6	-
Spanish Staff	34	59,854	2,027	849	414	21,619	0	0	0	0	410	0	540	0	0	81,892	85,747	4.7%
Spanish (Certified)	0	8,042	2,245	1,570	1,208	239	0	16	174	1	293	0	400	688	955	29,996	15,831	-47.2%
Spanish (Non-Certified)	0	0	0	0	0	0	0	40	200	17	150	0	26	76	12	622	521	-16.2%
Tagalog	3	0	9	0	32	1	6	6	0	0	1	0	0	0	2	29	60	106.9%
Vietnamese	0	1	42	19	52	9	1	2	0	0	0	0	9	0	98	346	233	-32.7%
All Others	4	242	80	200	126	143	5	33	0	0	37	0	1	3	68	944	942	-0.2%
Total	60	68,249	5,006	2,917	2,045	22,090	68	149	380	24	942	0	987	767	1,238	115,512	104,906	-9.2%

DISTRICT CASELOADS

DISTRICT OF ALASKA

Authorized places of holding court: Anchorage, Fairbanks, Juneau, Ketchikan, Nome

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013
District Court				
Filings	462	471	1.9%	157
Terminations	499	496	-0.6%	165
¹ Pending	497	497	0.0%	166
Bankruptcy Court				
Filings	841	638	-24.1%	319
Terminations	1,166	723	-38.0%	362
Pending	767	682	-11.1%	341

Authorized Judgeships	
District	3
Bankruptcy	2
Magistrate	
Full-time	2
Part-time	3

¹2012 total pending cases revised.

DISTRICT OF ARIZONA

Authorized places of holding court: ³Bullhead City, Flagstaff, Kingman, Phoenix, Prescott, Tucson, Yuma

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013
District Court				
Filings	10,364	9,777	-5.7%	752
Terminations	11,643	9,887	-15.1%	761
¹ Pending	5,352	5,237	-2.1%	403
Bankruptcy Court				
Filings	30,135	24,046	-20.2%	3,435
Terminations	33,444	28,595	-14.5%	4,085
Pending	42,106	37,572	-10.8%	5,367

Authorized Judgeships	
² District	13
Bankruptcy	7
Magistrate	
Full-time	14
Part-time	1

¹2012 total pending cases revised.

²Includes one authorized temporary judgeship.

³Bullhead City and Kingman apply only to the bankruptcy court.

CENTRAL DISTRICT OF CALIFORNIA

Authorized places of holding court: Los Angeles, Riverside, ⁴San Fernando Valley, Santa Ana, ⁴Santa Barbara

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013
District Court				
Filings	17,086	15,798	-7.5%	564
Terminations	16,986	16,393	-3.5%	585
¹ Pending	12,867	12,268	-4.7%	438
Bankruptcy Court				
Filings	111,909	82,861	-26.0%	3,453
Terminations	120,433	96,424	-19.9%	4,018
¹ Pending	68,124	54,555	-19.9%	2,273

Authorized Judgeships	
² District	28
Bankruptcy	24
Magistrate	
Full-time	24
Part-time	1

¹2012 total pending cases revised.

²Includes one authorized temporary judgeship.

³Includes three authorized temporary judgeships.

⁴San Fernando Valley and Santa Barbara apply only to the bankruptcy court.

EASTERN DISTRICT OF CALIFORNIA

Authorized places of holding court: Bakersfield, Fresno, ³Modesto, Redding, Sacramento, Yosemite National Park

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013	Authorized Judgeships	
District Court					² District	6
Filings	6,235	5,456	-12.5%	909	Bankruptcy	7
Terminations	6,590	5,858	-11.1%	976	Magistrate	
¹ Pending	7,988	7,614	-4.7%	1,269	Full-time	12
Bankruptcy Court					Part-time	0
Filings	6,235	5,456	-12.5%	909		
Terminations	6,590	5,858	-11.1%	976		
¹ Pending	7,988	7,614	-4.7%	1,269		

¹2012 total pending cases revised.

²Includes one authorized temporary judgeship.

³Modesto applies only to bankruptcy court.

NORTHERN DISTRICT OF CALIFORNIA

Authorized places of holding court: Eureka, Oakland, Salinas, San Francisco, San Jose, Santa Rosa

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013	Authorized Judgeships	
District Court					District	14
Filings	7,851	6,854	-12.7%	490	Bankruptcy	9
Terminations	7,359	7,272	-1.2%	519	Magistrate	
¹ Pending	6,949	6,504	-6.4%	465	Full-time	11
Bankruptcy Court					Part-time	0
Filings	28,935	21,841	-24.5%	2,427		
Terminations	28,985	24,455	-15.6%	2,717		
¹ Pending	36,756	34,137	-7.1%	3,793		

¹2012 total pending cases revised.

SOUTHERN DISTRICT OF CALIFORNIA

Authorized places of holding court: ²El Centro, San Diego

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013	Authorized Judgeships	
District Court					District	13
Filings	8,935	8,190	-8.3%	630	Bankruptcy	4
Terminations	9,564	8,594	-10.1%	661	Magistrate	
¹ Pending	5,541	5,321	-4.0%	409	Full-time	11
Bankruptcy Court					Part-time	0
Filings	18,359	13,816	-24.7%	3,454		
Terminations	19,239	15,212	-20.9%	3,803		
Pending	13,155	11,759	-10.6%	2,940		

Note: The Guam district judge also handles all bankruptcy cases.

¹2012 total pending cases revised.

DISTRICT OF GUAM

Authorized place of holding court: Hagatna

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013
District Court				
Filings	115	106	-7.8%	106
Terminations	141	113	-19.9%	113
¹ Pending	155	161	3.9%	161
Bankruptcy Court				
Filings	153	159	3.9%	385
Terminations	125	170	36.0%	271
Pending	172	161	-6.4%	327

Authorized Judgeships	
District	1
Bankruptcy	0
Magistrate	
Full-time	1
Part-time	0

Note: The Guam district judge also handles all bankruptcy cases.
¹2012 total pending cases at district court revised.

DISTRICT OF HAWAII

Authorized place of holding court: Honolulu

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013
District Court				
Filings	1,065	968	-9.1%	242
Terminations	1,132	1,085	-4.2%	271
¹ Pending	1,144	1,047	-8.5%	262
Bankruptcy Court				
Filings	2,672	2,313	-13.4%	2,313
Terminations	2,868	2,307	-19.6%	2,307
Pending	2,731	2,737	0.2%	2,737

Authorized Judgeships	
² District	4
Bankruptcy	1
Magistrate	
Full-time	3
Part-time	1

¹2012 total pending cases revised.
²Includes one temporary judgeship.

DISTRICT OF IDAHO

Authorized places of holding court: Boise, Coeur d'Alene, Moscow, Pocatello, ²Twin Falls

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013
District Court				
Filings	1,005	850	-15.4%	425
Terminations	928	937	1.0%	469
¹ Pending	1,067	980	-8.2%	490
Bankruptcy Court				
Filings	6,690	5,643	-15.7%	2,822
Terminations	7,634	7,033	-7.9%	3,517
¹ Pending	6,385	4,996	-21.8%	2,498

Authorized Judgeships	
² District	2
Bankruptcy	2
Magistrate	
Full-time	2
Part-time	0

¹2012 total pending cases revised.
²Twin Falls applies only to the bankruptcy court. One of the bankruptcy judges also holds court in Twin Falls once a month.

DISTRICT OF MONTANA

Authorized places of holding court: Billings, Butte, Great Falls, Helena, Missoula

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013
District Court				
Filings	980	973	-0.7%	324
Terminations	921	1,019	10.6%	340
¹ Pending	839	800	-4.6%	267
Bankruptcy Court				
Filings	2,175	1,851	-14.9%	1,851
Terminations	2,483	2,302	-7.3%	2,302
Pending	3,318	2,867	-13.6%	2,867

Authorized Judgeships	
District	3
Bankruptcy	1
Magistrate	
Full-time	3
Part-time	1

¹2012 total pending cases at district court revised.

DISTRICT OF NEVADA

Authorized places of holding court: Carson City, Elko, Ely, Las Vegas, Lovelock, Reno

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013
District Court				
Filings	3,419	3,485	1.9%	498
Terminations	3,413	3,276	-4.0%	468
¹ Pending	3,973	4,190	5.5%	599
Bankruptcy Court				
Filings	19,434	14,483	-25.5%	3,621
Terminations	24,026	18,829	-21.6%	4,707
¹ Pending	24,531	20,181	-17.7%	5,045

Authorized Judgeships	
District	7
² Bankruptcy	4
Magistrate	
Full-time	7
Part-time	0

¹2012 total pending cases revised.

²Includes one authorized temporary judgeship.

DISTRICT OF NORTHERN MARIANA ISLANDS

Authorized place of holding court: Saipan

Caseload Measure	2012	2013	² Change 2012-2013	Per Judgeship Unweighted 2013
District Court				
Filings	63	45	-28.6%	45
Terminations	39	60	53.8%	60
¹ Pending	129	103	-20.2%	103
Bankruptcy Court				
Filings	11	7	-36.4%	1
Terminations	7	12	-	2
¹ Pending	15	10	-33.3%	1

Authorized Judgeships	
District	1
Bankruptcy	0
Magistrate	
Full-time	0
Part-time	0
³ Combination	1

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

¹2012 total pending cases revised.

²Percent change not computed when fewer than 10 cases reported for the previous period.

³Heather L. Kennedy serves as part-time magistrate judge and clerk of court.

DISTRICT OF OREGON

Authorized places of holding court: ²Bend, ²Coos Bay, Coquille, Eugene, Klamath Falls, Medford, Pendleton, Portland, ²Redmond, ²Roseburg, ²Salem

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013	Authorized Judgeships	
District Court					District	6
Filings	2,978	2,924	-1.8%	487	Bankruptcy	5
Terminations	3,054	2,909	-4.7%	485	Magistrate	
¹ Pending	2,885	2,903	0.6%	484	Full-time	6
Bankruptcy Court					Part-time	1
Filings	16,048	13,677	-14.8%	2,735		
Terminations	16,653	15,203	-8.7%	3,041		
Pending	19,841	18,316	-7.7%	3,663		

¹2012 total pending cases revised.

²Bend, Coos Bay, Redmond, Roseburg, and Salem apply only to the bankruptcy court.

EASTERN DISTRICT OF WASHINGTON

Authorized places of holding court: ²Richland, Spokane, ²Walla Walla, Yakima

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013	Authorized Judgeships	
District Court					District	4
Filings	1,271	1,236	-2.8%	309	Bankruptcy	2
Terminations	1,192	1,292	8.4%	323	Magistrate	
¹ Pending	1,165	1,120	-3.9%	280	Full-time	2
Bankruptcy Court					Part-time	0
Filings	5,726	5,253	-8.3%	2,627		
Terminations	6,098	5,584	-8.4%	2,792		
¹ Pending	5,741	5,410	-5.8%	2,705		

¹2012 total pending cases revised.

²Richland and Walla Walla apply only to the district court.

WESTERN DISTRICT OF WASHINGTON

Authorized places of holding court: Bellingham, Seattle, Tacoma, Vancouver

Caseload Measure	2012	2013	Change 2012-2013	Per Judgeship Unweighted 2013	Authorized Judgeships	
District Court					District	7
Filings	4,388	4,534	3.3%	648	Bankruptcy	5
Terminations	4,271	4,507	5.5%	644	Magistrate	
¹ Pending	3,600	3,643	1.2%	520	Full-time	5
Bankruptcy Court					Part-time	2
Filings	22,955	20,477	-10.8%	4,095		
Terminations	24,486	22,598	-7.7%	4,520		
¹ Pending	23,056	20,936	-9.2%	4,187		

¹2012 total pending cases revised.



Office of the Circuit Executive
Cathy A. Catterson, Circuit & Court of Appeals Executive
P.O. Box 193939, San Francisco, CA 94119-3939
Ph: (415) 355-8800, Fax: (415) 355-8901
<http://www.ca9.uscourts.gov>