

NINTH | UNITED STATES COURTS
CIRCUIT | 2008 ANNUAL REPORT





The Office of the Circuit Executive would like to acknowledge the following for their contributions to the 2008 Ninth Circuit Annual Report:

Chief Judge Alex Kozinski
Cathy A. Catterson, Circuit and Court of Appeals Executive
Molly C. Dwyer, Clerk, Ninth Circuit Court of Appeals
Harold Marenus, Clerk, Bankruptcy Appellate Panel

TABLE OF CONTENTS

Ninth Circuit Overview

Judicial Council Mission Statement	2
Foreword by Chief Judge Alex Kozinski	3
Ninth Circuit Overview	5
Judicial Council and Administration	6

Judicial Transitions

New Judges	10
New Senior Judges	12
In Memoriam	13

Ninth Circuit Highlights

Annual Judicial Conference	18
Conference Attendees Favor Juror Interviews	20
Annual Awards Presented	21
Circuit Responds to Influx of Prisoner Petitions	23
Judges, Journalists Gather in Nevada	24
Criminal Justice Act Summit Held	25
Judges, Clerks Consider Pro Se Litigants	26
Courts Focus on Capital Habeas Management	27
Technology Users Group Reaches Milestone	28
Magistrate Judges Test New Program	29
“Three Strikes” Database Project Advances	30
Bankruptcy Appellate Panel Selects New Chair	31
Court of Appeals Names New Clerk of Court	32
New Judges Meet in San Francisco	33
National Library Week Observed, Law Clerk Orientation Held	34

Space & Facilities

James A. Walsh Courthouse Rededication, Arizona Courtroom Dedications	36
Courthouses Under Construction and in Design Phase	38

The Work of the Courts

Court of Appeals	41
District Courts	45
Bankruptcy Courts	49
Bankruptcy Appellate Panel	51
Magistrate Judge Matters	53
Federal Public Defenders	56
Probation Officers	58
Pretrial Services Officers	61
Juror Utilization	63
Court Interpreters	64
District Caseloads	65

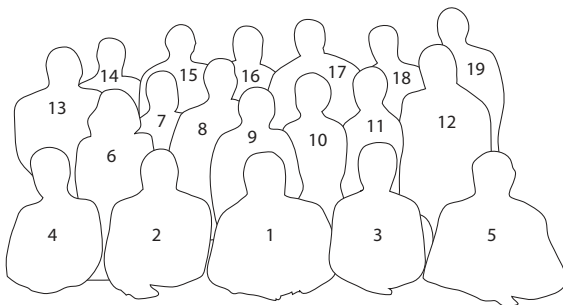


THE JUDICIAL COUNCIL OF THE NINTH CIRCUIT



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.



1) Chief Judge Alex Kozinski; 2) Circuit Judge Sidney R. Thomas; 3) Cathy A. Catterson, Circuit and Court of Appeals Executive; 4) *Circuit Judge Marsha S. Berzon; 5) Senior Circuit Judge David R. Thompson; 6) *District Clerk Sue Beitia (HI); 7) *Bankruptcy Clerk Bernard F. McCarthy (MT); 8) *Chief Pretrial Services Officer Robert J. Duncan (CAE); 9) Circuit Judge M. Margaret McKeown; 10) Chief District Judge Irma E. Gonzalez (CAS); 11) Chief District Judge Alicemarie H. Stotler (CAC) ; 12) *District Judge Donald W. Molloy (MT); 13) *Chief Probation Officer

Jerrold G. Cooley (MT); 14) District Judge Charles R. Breyer (CAN); 15) Senior District Judge Stephen M. McNamee (AZ); 16) *Chief Bankruptcy Judge Michael S. McManus (CAE); 17) Chief District Judge Ancer L. Haggerty (OR); 18) Senior District Judge Terry J. Hatter, Jr. (CAC); 19) *Magistrate Judge Anthony J. Battaglia (CAS). Not shown, Circuit Judges Susan P. Graber and Johnnie B. Rawlinson; Chief District Judges Robert S. Lasnik (WAW) and Robert H. Whaley (WAE); Chief Bankruptcy Judge Robert J. Faris (HI), Magistrate Judge Karen L. Strombom (WAW), District Clerk Victoria Minor (CAE), Bankruptcy Clerk Jon D. Ceretto (CAC), Chief Probation Officer Yador J. Harrell (CAN), and Chief Pretrial Services Officer Timothy McTighe (WAW).

*Term expired Sept. 30, 2008



FOREWORD



Chief Judge
Alex Kozinski

Judges and court staff in all of the federal courts work hard to provide the highest level of service to the legal community and the public. The *2008 Ninth Circuit Annual Report* profiles the work done this past year by the federal courts serving nine western states and two Pacific island jurisdictions. Inside you will find various statistical summaries along with articles highlighting important events, trends and transitions in our courts. We hope you find the information useful and look forward to your feedback.

This was another challenging but productive year for our courts. On the operational side, the Ninth Circuit Court of Appeals saw its caseload increase by 4.8 percent. It was the first upturn in new filings since 2005. Immigration matters again constituted the largest category of new appeals, 32.7 percent of the court's total filings. We continue to be the nation's busiest appellate court with 21.6 percent of all new filings nationwide.

Caseloads held steady in the 15 district courts of the Ninth Circuit, bucking a downward trend nationally. District courts of the circuit reported an overall increase of .5 percent in new cases, compared to a 7.2 percent decline in filings nationwide. The Ninth Circuit had 16.4 percent of the total filings in district courts nationally.

Bankruptcy filings shot up 70 percent overall in the Ninth Circuit as the national recession took its toll in the western states. Filings were up in 14 judicial districts with the largest increases reported by the Central District of California, up 93.5 percent; the District of Arizona, up 78.9 percent; and the Eastern District of California, up 78.1 percent. The subprime mortgage crisis and rising unemployment were cited as key factors driving the upturn throughout the circuit.

Pro se appeals, in which at least one party is not represented by counsel, continue to make up a large portion of the Ninth Circuit caseload, both at the trial court and appellate levels. More than 15,000 cases, or 27.3 percent, of new cases brought last year in district courts of the Ninth Circuit were filed *pro se*. The Court of Appeals had more than 6,300 *pro se* filings, representing 47.5 percent of its new filings. *Pro se* cases pose special challenges for the courts and often take longer to resolve. More than 60 law clerks working in courts around the circuit are assigned exclusively to *pro se* matters and the circuit regularly holds training conferences to discuss related issues.

The pace of judicial appointments to courts of the Ninth Circuit slowed in 2008. In the district courts, three new judges were appointed, one each in Arizona, the Eastern District of California and the Southern District of California. Four other district judgeships remained vacant at year's end. The Court of Appeals, which was authorized 28 judgeships, started and ended the year with one vacancy. We are hopeful the vacant position along with a new judgeship authorized the court effective January 21, 2009, will be filled very soon. It is the first new judgeship for our court in 25 years.

Also during the year, the Judicial Council of the Ninth Circuit made one appointment to the Ninth Circuit Bankruptcy Appellate Panel, and the BAP judges chose a new chief judge. Judges of the district courts filled six vacant magistrate judge positions.

New judgeships continue to be needed by our courts. Nowhere was the need more evident last year than in the Eastern District of California, which is laboring under a backlog of cases, many from inmates in state and federal prisons within the district. The Sacramento/Fresno-based court has the second heaviest judicial workload in the nation. Its judges are highly productive, terminating nearly twice as many cases as the national average, but cannot keep pace with the influx of new filings.

The circuit strongly supported legislation introduced in the last Congress to provide the Eastern District with five new judges. While that bill was not passed, we are confident that our elected leaders are aware of this critical situation and will provide the necessary judicial resources. We also remain hopeful a national judgeship bill will become law during the next congressional session to help meet the needs of all courts.

One of the benefits of a large circuit is being able to rally resources where needed, which is what we have done to assist the Eastern District in the short term. The Judicial Council of the Ninth Circuit established a special committee to recruit judges from other courts in the circuit to take Eastern District cases. More than 80 judges volunteered to take more than 1,000 cases, an extraordinary response. The circuit also sought to provide more law clerks and court staff, and to promote mediation and other means to resolve prisoner cases. Credit goes to all those involved, but particularly to Eastern District Chief Judge Anthony Ishii and Chief Circuit Judge Emeritus J. Clifford Wallace, who chairs the special committee.

On the administrative side, the Court of Appeals appointed Molly C. Dwyer as Clerk of Court. She was sworn into office in March at a Federal Bar Association event in San Francisco attended by more than 50 federal judges and 450 lawyers. Ms Dwyer is a very experienced attorney and administrator who has a wonderful working relationship with judges of the court, court staff and the legal community.

One of Ms. Dwyer's first tasks was managing the court's transition from paper to electronic documents. The court implemented a more robust electronic docketing and case management system in March, followed in September by the introduction of electronic case filing, or ECF. Using ECF, attorneys are able to file documents directly with the court via the Internet using standard computer hardware and software. The system offers numerous benefits, most notably 24-hour access, automatic email notice of case activity, and expanded search and reporting capabilities.

Court outreach to the legal community has helped smooth the way for the ECF rollout. In November, the Office of Staff Attorneys began offering hands-on training for attorneys, paralegals, legal secretaries and others who would be using the new system. More than 50 sessions were eventually held at locations throughout the circuit.

In the area of space and facilities, 2008 saw the rededication of the historic James A. Walsh U.S. Courthouse in Tucson, after major repairs and alterations. The building is used by the Arizona bankruptcy court. Substantial progress was made on construction of new district courthouses in Coeur d'Alene, Idaho, and Great Falls, Montana, and on the renovation and restoration of the historic William Kenzo Nakamura U.S. Courthouse in Seattle, which will be used by the Court of Appeals. Congress also gave approval to replace the aging and potentially hazardous district courthouse in Billings, Montana.

The circuit's most pressing space needs, new courthouses in Los Angeles and San Diego, remain unmet. We were encouraged to see Congress authorize additional funding for the San Diego courthouse and remain hopeful that a solution will be found for the cost and funding issues facing the Los Angeles project. We also welcomed the agreement reached between the judiciary and General Services Administration on a formula for fair and reasonable rents for court facilities.

A number of our judges were recognized during the year, including our esteemed Chief Circuit Judge Emeritus James R. Browning, who turned 90 in October. Judge Browning has served on our court since 1961 and is the eponym for our headquarters courthouse in San Francisco. Judge Wallace received the University of California at Berkeley School of Law's Judge D. Lowell and Barbara Jensen Public Service Award, while Senior Circuit Judge Edward Leavy returned to the University of Portland, his alma mater, to receive a Doctor of Laws degree for extraordinary legal service and scholarship. Also to be noted was the selection of Circuit Judge M. Margaret McKeown as chair of the Committee on Codes of Conduct of the Judicial Conference of the United States, the national policy-making body for federal courts.

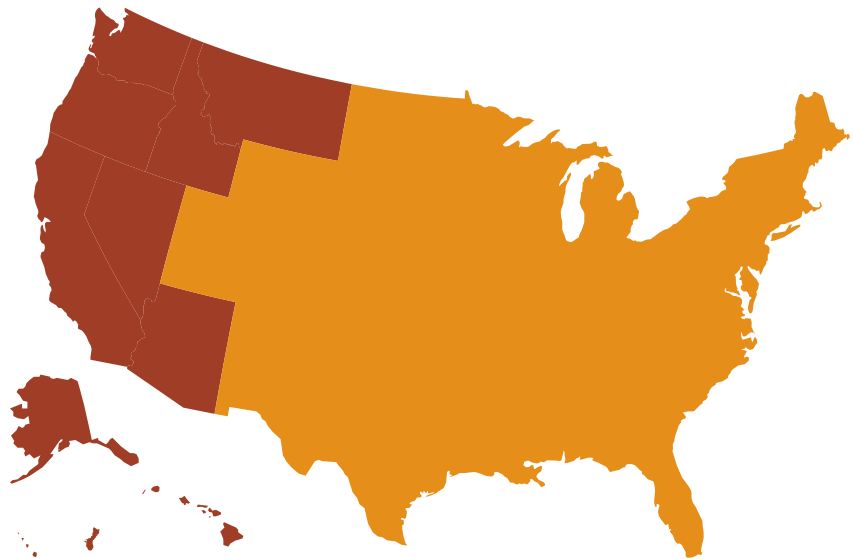
Ninth Circuit courts mourned the passing of a number of judges during the year. They included two esteemed colleagues from the Court of Appeals, Senior Circuit Judge Joseph T. Sneed, III, and Senior Circuit Judge Warren J. Ferguson. Special sessions convened by our court to remember these renowned jurists were well attended and included the participation of Associate Justice Anthony M. Kennedy of the Supreme Court of the United States.

We invite you to review this report further for more information about the work of the courts of the West. ■



NINTH CIRCUIT OVERVIEW

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



Judicial districts within the Ninth Circuit are 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. Today, 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 United States Constitution establishing the federal judiciary. Article III judges are nominated by the President, confirmed by the Senate and serve for life. The Ninth Circuit Court of Appeals has been authorized 28 judgeships and ended 2008 with one vacant position. For most of the year, the district courts were authorized 112 judgeships, four of which were vacant at year's end.

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

caseload. In the Ninth Circuit, 22 senior circuit judges sat on appellate panels, served on circuit and national judicial committees, and handled a variety of administrative matters. In the district courts, 47 senior judges heard cases, presided over procedural matters, served on committees and conducted other business during 2008.

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. Appointed by the court of appeals, bankruptcy judges serve terms of 14 years. Magistrate judges are appointed by the individual district courts and hold their positions for eight years.

In 2008, bankruptcy courts in the Ninth Circuit were authorized 68 permanent and five temporary judgeships. The district courts were authorized 96 full-time and 12 part-time magistrate judges; several courts also utilized recalled magistrate judges.

Overall, the Ninth Circuit courts experienced increased caseloads in 2008. Unless otherwise noted, statistics in this report cover the 2008 calendar year.





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

In 2008, the Judicial Council authorized the recruitment of judges from other courts in the circuit to assist the Eastern District of California in resolving a backlog of prisoner and other cases. The council formed the Eastern District of California Resource Committee and appointed Senior Circuit Judge J. Clifford Wallace as chair to oversee the effort. In addition, the council also moved to obtain funding for additional law clerks and court staff, and to promote mediation and other means to resolve prison matters.

In other business, the Judicial Council voted to approve a resolution urging courts to repeal rules that prohibit juror interviews by attorneys and, instead, either leave the matter to the discretion of the presiding judge, or adopt a rule permitting interviews, subject to the consent of the jurors and reasonable time, place and manner restrictions.

The council also approved the court of appeals’ proposal to appoint 18 appellate lawyers to serve as lawyer representatives at the Ninth Circuit Judicial Conference.

The Judicial Council also approved the Pacific Islands Committee recommendation to reaffirm its support to Article III status for the District Court of Guam and the District Court of the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands. The PIC supports a policy that would allow sitting judges to become Article III judges and provide credit for prior service completed for retirement purposes.

The Judicial Council of the Ninth Circuit 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. The council accomplishes most of its work through committees.

Conference of Chief District Judges

The Conference of Chief District Judges advises the Judicial Council of the Ninth Circuit about the administration of justice in the circuit’s 15 district courts. The conference, which is comprised of the chief district judge of each district, meets twice a year. Chief District Judge Donald W. Molloy of the



District of Montana served as chair of the conference from April 2007 to February 2008. He was succeeded by Chief District Judge Ancer L. Haggerty of the District of Oregon whose term will in expire in January 2009.

Conference of Chief Bankruptcy Judges

The Conference of Chief Bankruptcy Judges advises the Judicial Council of the Ninth Circuit on the administration of the bankruptcy courts within the circuit. The chair of the conference is a non-voting member of the council. The conference, which also meets twice per year, consists of chief bankruptcy judges from each district and the presiding judge of the Ninth Circuit Bankruptcy Appellate Panel (BAP). Chief Bankruptcy Judge Michael S. McManus of the Eastern District of California chaired the conference from November 2007 to May 2008, when Chief Bankruptcy Judge Robert J. Faris of the District of Hawaii became chair. Judge Faris will chair the conference until May 2009.

Magistrate Judges Executive Board

The Magistrate Judges Executive Board provides a channel of communication between the Judicial Council of the Ninth Circuit and the more than 100 full-time, part-time and recalled magistrate judges serving in the district courts. The 14-member board meets twice a year and holds a session with all magistrate judges at the annual circuit conference. The chair of the board serves on the council as an observer.

Magistrate Judge Karen L. Strombom of the Western District of Washington is the current chair. Her term began in July 2008 and will expire in July 2011.

Clerks of Court

Day-to-day management of the courts rests with the chief judges and clerks or district executives of the court of appeals and each of the district and bankruptcy courts. 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 Staff Attorneys, which includes the research, motions, case management, and pro se units. The Office of the Appellate Commissioner, also located in the Ninth Circuit Court of Appeals Clerk's Office, reviews Criminal Justice Act vouchers for cases that come before the court of appeals.

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, which are responsible for background investigations and reports, and supervision of persons charged with or convicted of federal crimes. All but one judicial district is served by federal public defender and community defenders who represent indigent defendants unable to afford private counsel. Probation and pretrial services for the District of Northern Mariana Islands relies on a Criminal Justice Act panel of attorneys for such representation and are provided by the District of Guam.

Ninth Circuit Library System

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 and implements its administrative decisions and policies. By statute, the circuit executive is the administrative assistant to the chief judge of the circuit and secretary to the council. The circuit executive and her staff assist in identifying circuit-wide needs, conducting studies, proactively developing and implementing policies, providing training, public information and human resources support. Circuit executive staff also coordinates building and automation projects, and advises the council on procedural and ethical matters. The Office of the Circuit Executive provides management and technical assistance to courts within the circuit upon request. It also administers the annual Ninth Circuit Judicial Conference. ■■

Judicial Council of the Ninth Circuit

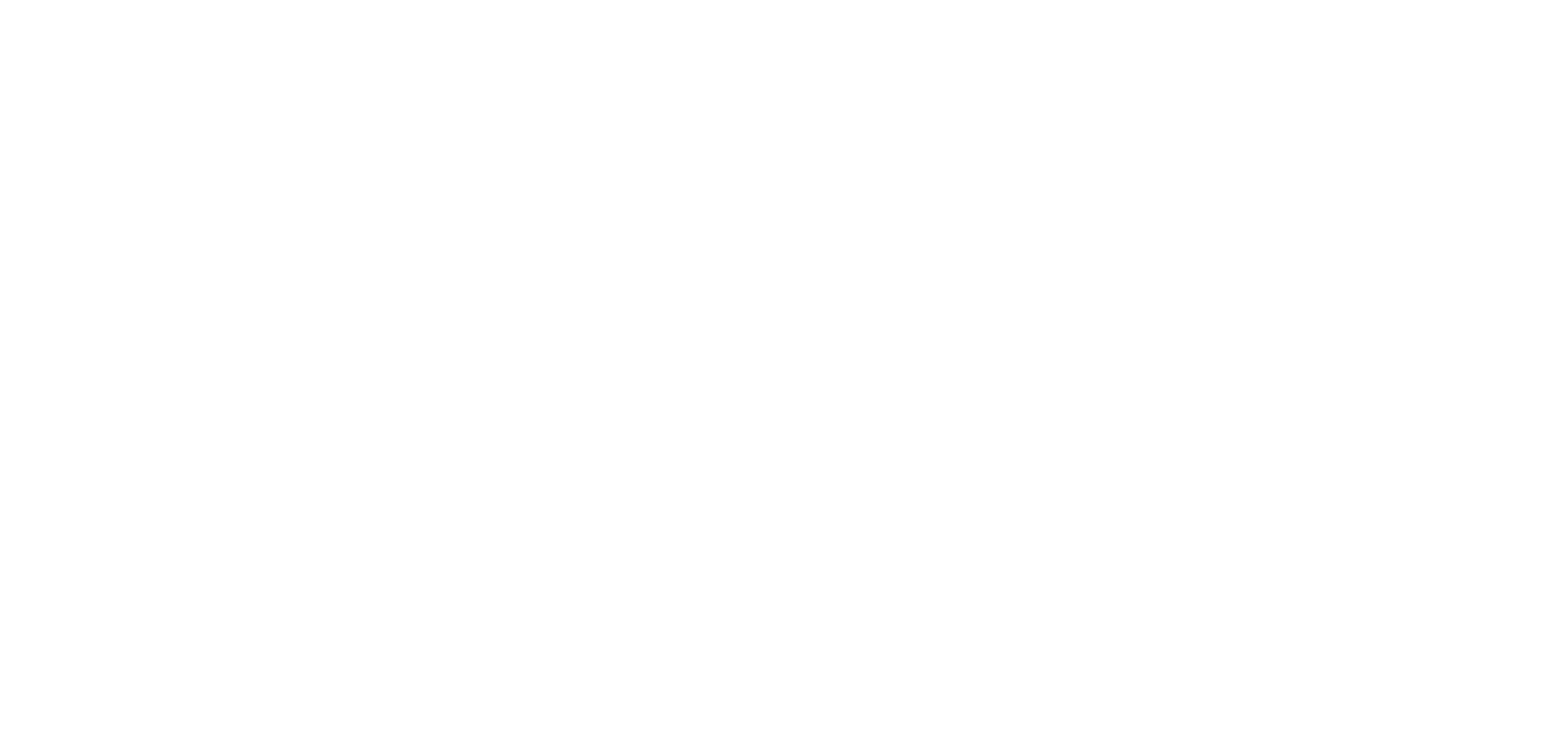
Chief Judge Alex Kozinski

Executive Committee

Office of the Circuit Executive

Cathy A. Catterson, Circuit & Court of Appeals Executive



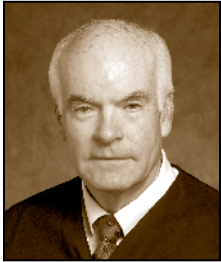


JUDICIAL TRANSITIONS



New Judges

District Judges



Judge Michael M. Anello was appointed a district judge for the Southern District of California on October 10, 2008. Judge Anello served previously as a California Superior Court judge in San Diego County from 1998 to 2008. Prior to coming onto

the bench, he was in private practice in San Diego as a partner at Wingert, Grebing, Anello & Brubaker, from 1974 to 1998, and was an associate at Todd, Toothacre & Wingert from 1973 to 1974. He began his legal career as a deputy city attorney working in the criminal division of the San Diego City Attorney's Office from 1972 to 1973. Judge Anello received his B.A. from Bowdoin College in Maine, graduating *cum laude* in 1965, and his J.D. from Georgetown University Law Center in 1968, where he was selected for law review after his first year. He maintains chambers in San Diego.



Judge John A. Mendez was appointed a district judge for the Eastern District of California on April 17, 2008. Judge Mendez served previously as a California Superior Court judge in Sacramento County from 2001 to 2008. Prior to coming onto the

bench, he engaged in private practice in California for most of his career. He served as a U.S. attorney for the Northern District of California from 1992 to 1993, and as an assistant U.S. attorney there from 1984 to 1986. Judge Mendez received his B.A. from Stanford University in 1977 and his J.D. from Harvard Law School in 1980. He maintains chambers in Sacramento.



Judge G. Murray Snow was appointed a district judge for the District of Arizona on July 23, 2008. Judge Snow served previously as an Arizona Court of Appeals judge from 2002 to 2008. Prior to coming onto the bench, he was a partner in the Phoenix

law firm of Osborn Maledon from 1995 to 2002, and was associated with the Phoenix law firm of Meyer, Hendricks, Victor, Osborn & Maledon from 1988 to 1995. Judge Snow received his B.A. from Brigham Young University, graduating *magna cum laude* in 1984, and his J.D. from the BYU J. Reuben Clark Law School, graduating *magna cum laude* in 1987. He served as editor-in-chief of the school's law review from 1986 to 1987 and received the Order of the Coif. Following law school, Judge Snow served as a law clerk to Circuit Judge Stephen H. Anderson of the Tenth Circuit U.S. Court of Appeals from 1987 to 1988. He maintains chambers in Phoenix.

Magistrate Judges



Judge John V. Acosta was appointed a magistrate judge for the District of Oregon on March 5, 2008. Prior to his appointment, Judge Acosta served for five years as senior deputy general counsel for TriMet, the public transportation authority for metropolitan Portland. Before that, he practiced with Stoel Rives LLP in Portland from 1987 to 2002, first as an associate and then as a partner. Judge Acosta began his legal career with the Alaska law firm of Hughes, Thorsness, Gantz, Powell & Brundin. He received his B.A. from San Diego State University in 1979 and his J.D. from the University of Oregon School of Law in 1982. Judge Acosta serves on the Oregon State Bar's Joint Bench/Bar Commission on Professionalism, is active in the community and has taught as an adjunct professor at the University of Oregon School of Law. He has chambers in Portland.



Judge Ronald E. Bush was appointed a magistrate judge for the District of Idaho on October 1, 2008. Judge Bush served previously as a trial judge of the Idaho State Courts. Prior to coming onto the bench, he practiced law for 20 years in the Pocatello and Boise offices of the law firm of Hawley, Troxell, Ennis & Hawley, LLP. Judge Bush received his B.A. in 1979 from the University of Idaho and his J.D. in 1983 from The George Washington University College of Law. Judge Bush is a former chairman of the board of trustees for the Idaho State Historical Society, co-founder and former president of the Idaho Legal History Society, and a former Ninth Circuit lawyer representative. He has chambers in Boise.



Judge Candy W. Dale was appointed a magistrate judge for the District of Idaho on March 30, 2008. Prior to coming onto the bench, Judge Dale was in private practice in Boise as a founding partner and president of Hall, Farley, Oberrecht & Blanton, P.A., and as an associate and shareholder in the law firm of Moffatt Thomas. Judge Dale received her B.S. from the College of Idaho in 1979 and her J.D. from the University of Idaho College of Law in 1982, where she served as editor-in-chief of the Idaho Law Review. She maintains chambers in Boise.



Judge Douglas Thomas Ferraro, Jr., was appointed a magistrate judge for the District of Arizona on December 30, 2008. Prior to coming onto the bench, Judge Ferraro had worked as a federal prosecutor in the offices of the U.S. attorney for the District of Arizona, from 2005 to 2008, the Eastern District of Texas, from 1997 to 2005, and the Southern District of California, from 1985 to 1997. Judge Ferraro received his undergraduate degree from Northern Arizona University in 1977 and his J.D. from California Western School of Law in San Diego in 1980. He maintains chambers in Tucson.



Judge James P. Hutton was appointed a magistrate judge for the Eastern District of Washington on January 14, 2008. Judge Hutton served previously as Washington Superior Court judge in Yakima County from 1996 to 2007. Prior to coming onto the bench, he engaged in private practice from 1976 to 1996. Judge Hutton received his B.A. from the University of Washington in 1972 and his J.D. from Gonzaga University School of Law in 1976. He maintains chambers in Yakima.

New Judges

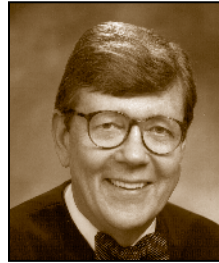
Magistrate Judges continued



Judge Brian A. Tsuchida was appointed a magistrate judge for the Western District of Washington on May 13, 2008. Prior to his appointment to the bench, Judge Tsuchida served as an assistant federal public defender in Seattle.

Judge Tsuchida began his legal career in Seattle as a staff attorney with The Defender Association, working in the juvenile, misdemeanor and adult felony divisions, and serving as adult felony supervisor from 1994 to 1998. He was also an associate with Schroeter, Goldmark and Bender. Judge Tsuchida is one of the original members of the Washington Supreme Court's Minority and Justice Task Force and Commission, and also served for nine years as the chair of the Washington Supreme Court's Capital Counsel Committee. Judge Tsuchida is a past chair of the Washington State Bar Association CLE Committee and a former member of the MCLE Board. He maintains chambers in Seattle.

New Senior Judges



Judge Frank C. Damrell, Jr., of the Eastern District of California assumed senior status on December 31, 2008. Judge Damrell was appointed a district judge on November 12, 1997. Prior to coming onto the bench, Judge Damrell engaged in private practice

in Modesto, California, from 1968 to 1997. He served as deputy district attorney for the State of California from 1966 to 1968, and was a deputy attorney general, Office of the State Attorney General, Calif., from 1964 to 1966. Judge Damrell received his B.A. from the University of California at Berkeley in 1961 and his LL.B. from Yale Law School in 1964. He maintains chambers in Sacramento.



Judge Fred Van Sickle of the Eastern District of Washington assumed senior status on May 1, 2008. Judge Van Sickle was appointed a district judge on May 14, 1991, and served as chief judge from 2000 to 2005. Judge Van Sickle served previously as a Washington Superior Court

judge in Douglas County from 1975 to 1992. Prior to coming onto the bench, he was a prosecuting attorney in Douglas County from 1971 to 1975, and engaged in private practice in Waterville, Washington, from 1970 to 1975. He received his B.S. from the University of Wisconsin in 1965 and his J.D. from the University of Washington School of Law in 1968. Judge Van Sickle served in the Army and was first lieutenant, JAG Corps, from 1968 to 1970. He maintains chambers in Spokane.

In Memoriam



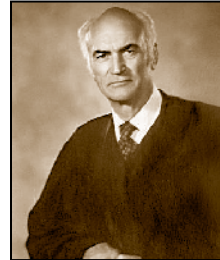
Judge Volney V. Brown, Jr., 81, a magistrate judge for the Central District of California, died on February 22, 2008. Appointed to the court in 1982, he retired as chief magistrate judge in 1994. Prior to his appointment, Judge Brown was an assistant U.S.

attorney for the Central District of California from 1979 to 1982. He served as chief of the Freedom of Information Appeals Unit, Department of Justice, from 1975 to 1978. He was a regional director for the Office of Drug Abuse Law Enforcement in Los Angeles from 1972 to 1974. Judge Brown received his B.S. from the University of California at Los Angeles in 1948 and his J.D. from the University of Southern California in 1951. He enlisted in the Army in 1944 and was honorably discharged in 1946. He is survived by his wife, Margaret; his sons, Todd and Tyler; and four grandchildren.



Judge William D. Browning, 76, a district judge for the District of Arizona, died on February 26, 2008. Appointed to the court on May 3, 1984, he maintained chambers in Tucson and served as chief judge from 1990 to 1994. He assumed senior status on May 14, 1998. Prior

to his appointment, Judge Browning engaged in private practice in Tucson from 1960 to 1984. He received his B.S. and B.A. from the University of Arizona in 1954 and his LL.B. from the University of Arizona College of Law in 1960. He is survived by his wife, Zeke, and four children.



Judge Jesse William Curtis, Jr., 102, a retired senior district judge for the Central District of California, died on August 5, 2008. He was appointed to the Southern District of California on August 27, 1962, and reassigned to the Central District of California on September

18, 1966. He maintained chambers in Los Angeles and assumed senior status on December 31, 1975. Judge Curtis served previously as a California Superior Court judge in San Bernardino County from 1953 to 1962. Prior to coming onto the bench, he engaged in private practice in San Bernardino from 1932 to 1953. Judge Curtis received his A.B. in 1928 from the University of Redlands in California and his J.D. from Harvard Law School in 1932. He is survived by his daughter, Suzanne; three sons, Christopher, Jesse Curtis, III, and Clyde; two grandchildren; and three great-grandchildren.



Judge Warren J. Ferguson, 87, a judge of the United States Court of Appeals for the Ninth Circuit, died on June 25, 2008. Judge Ferguson was appointed to the court on November 27, 1979. He assumed senior status on July 31, 1986, and maintained chambers in Santa Ana.

Judge Ferguson served previously as a judge of the U.S. District Court for the Central District of California in Los Angeles, and as a judge of the Superior Court in Santa Ana from 1961 to 1966, and the Anaheim-Fullerton Municipal Court from 1959 to 1961. Judge Ferguson received his B.A. from the University of Nevada in 1942 and his LL.B. from the University of Southern California Law School in 1949. He served in the Army during World War II, achieving the rank of master sergeant and earning a Bronze Star medal for service in North Africa and Italy. He is survived by his son, Peter, and daughter, Faye.

In Memoriam continued



Judge William H. Hyer, 87, a retired bankruptcy judge for the Central District of California, died in April 2008. He was appointed to the Central District of California on February 15, 1964. He maintained chambers in San Bernardino and retired on May 31, 1986. Judge

Hyer received his B.S. from the University of Kansas in 1942 and his LL.B. from the University of Southern California Law School in 1948. He served in the Air Force as staff sergeant from 1942 to 1946. He had a wife, Phyllis; a son, William IV; and a daughter, Halie Ann. Information on survivors is not available.



Judge John M. Klobucher, 76, a bankruptcy judge for the Eastern District of Washington, died on July 12, 2008. He was appointed to the court on December 7, 1981, and had his chambers in Spokane. Judge Klobucher served as an active judge until his

retirement in 1997, and as a recalled judge until 2005. From the time of his appointment until late 1987, he was the court's only bankruptcy judge. Prior to coming onto the bench, he had been in private practice as a founding partner in Murphy, Bantz, Klobucher. Judge Klobucher received his undergraduate degree from Washington State University in 1952 and his J.D. from Gonzaga University School of Law in 1960. He joined the Army in 1953 and served in the Korean War before being discharged in 1954. He is survived by his wife, Ginger; his two sons, John, Jr., and Chris; his daughter, Marcie; and four grandchildren.



Judge Richard Mednick, 74, a retired bankruptcy judge for the Central District of California, died on February 5, 2008. Judge Mednick was appointed to the court on January 5, 1976. Prior to coming onto the bench, he had been a litigation supervisor for a

title insurance company, and engaged in private practice, specializing in real estate and business transactions. After retiring from the bench, Judge Mednick returned to private practice and served as a member of the Trustee Panel for the Office of the U.S. Trustee. Judge Mednick received his B.A. from the University of California at Los Angeles in 1954; an M.S. from the University of Southern California in 1955; and his J.D. from Loyola Law School in 1966. He is survived by his wife, Marcia Ann; his son, David; and daughters, Lisa Ann and Irene Michelle.



Judge Esther Mix, 87, a retired magistrate judge for the Eastern District of California, died on September 17, 2008. She was appointed to the court on May 1, 1971 and was recalled on February 1, 1992. Judge Mix was the first woman appointed to the federal

bench in the Eastern District of California. She worked as a legal secretary and began to study law under the supervision of Frank Richardson, who later became a justice of the California Supreme Court. Judge Mix attended the University of Oklahoma and McGeorge School of Law. She was admitted to the California State Bar in 1951. Judge Mix is survived by her two children, Richard and Sally.



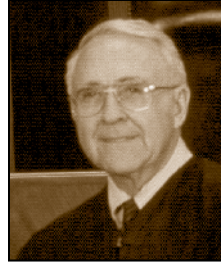
Judge Edward Rafeedie, 79, a district judge for the Central District of California, died on March 25, 2008. Appointed to the court on September 24, 1982, he assumed senior status on January 6, 1996, and maintained chambers in Los Angeles. Judge Rafeedie served

previously as a Los Angeles County Superior Court judge, from 1971 to 1982, and as a Santa Monica Municipal Court judge, from 1969 to 1971. Prior to coming onto the bench, he was a practicing trial attorney in Santa Monica. Judge Rafeedie received his B.A. from the University of Southern California in 1956 and his J.D. from the USC Law School in 1959. He is survived by his wife, Ruth; two children, Fred and Jennifer; and four grandchildren.



Judge Joseph T. Sneed, III, 87, a judge of the United States Court of Appeals for the Ninth Circuit, died on February 9, 2008. Appointed to the court on August 24, 1973, he assumed senior status on July 21, 1987, and maintained chambers in San Francisco. Prior to his

appointment to the bench, Judge Sneed was the deputy attorney general in the U.S. Department of Justice. A respected teacher, he was dean and a professor of law at Duke University from 1971 to 1973; a professor of law at Stanford University from 1962 to 1971; and a professor of law at Cornell University from 1957 to 1962. He also was a professor of law from 1954 to 1957, and an assistant and an associate professor of law from 1947 to 1954 at the University of Texas Law School. Judge Sneed received his B.B.A. from Southwestern University in 1941, his LL.B. from the University of Texas School of Law in 1947, and his S.J.D. from Harvard Law School in 1958. He entered active duty in the Army Air Corps in 1942 and was released as staff sergeant in 1946. He is survived by his daughters, Clara and Carly; his son, Joseph IV; and two grandsons, Sam and Joseph V.



Judge Philip K. Sweigert, 74, a magistrate judge for the Western District of Washington, died on May 23, 2008. He was appointed to the court on August 1, 1977. He remained on recall status for the district until the time of his death.

Prior to his appointment, he was an attorney at Bogle and Gates in Seattle, from 1965 to 1977. He clerked for District Judge William T. Beeks for the Western District of Washington from 1963 to 1964. Judge Sweigert received his B.A. from Stanford University in 1956 and his J.D. from the University of California, Hastings College of the Law, in 1961. Following law school, he joined the firm of Kindal and Anderson in Los Angeles. Judge Sweigert served in the Army from 1956 to 1958. He is survived by his wife, Alice; his daughter, Elizabeth; and his grandchildren.



Judge Spencer M. Williams, 85, a district judge for the Northern District of California, died on January 3, 2008. He was appointed to the court on July 29, 1971. He assumed senior status on February 24, 1987, and maintained chambers in San Jose. Prior to his

appointment, Judge Williams was co-founder of the Federal Judges Association and served as its first president from 1982 to 1987. He was made an Honorary Life Member of the FJA in 2004. Judge Williams engaged in private practice in Sacramento and San Jose from 1970 to 1971. He was a secretary, California State Human Relations Agency, from 1967 to 1970, and was a county counsel, Santa Clara County, from 1952 to 1966. He served in the Naval Reserve as a lieutenant from 1950 to 1952 and as a lieutenant in the Navy from 1943 to 1946. Judge Williams received his A.B. from the University of California at Los Angeles in 1943 and his LL.B. from the University of California Boalt Hall School of Law in 1948. He is survived by his wife, Kay; his six children; 15 grandchildren; and two great-grandchildren.

In Memoriam continued



Judge Robert E. Woodward, 94, a retired bankruptcy judge for the Eastern District of California, died on August 1, 2008. Appointed to the court on July 1, 1964, Judge Woodward was the Eastern District's first bankruptcy judge. He served as chief bankruptcy

judge in 1979 and retired on May 31, 1986. Prior to his appointment, Judge Woodward served as an assistant U.S. attorney for the Eastern District of California from 1953 to 1964. He also served as a Sacramento County prosecutor, a private attorney, and a court-appointed special master for Yuba County. He was deputy clerk of court for the U.S. District Court for the Northern District of California from 1941 to 1945. He graduated from San Diego State University and received his J.D. from the University of California, Hastings College of the Law, in 1941. Judge Woodward is survived by his sons, Robert, Bruce, and Gary; brother, Avery; and four grandchildren.



NINTH CIRCUIT HIGHLIGHTS



Annual Judicial Conference

The 2008 Ninth Circuit Judicial Conference, held July 28-31 in Sun Valley, Idaho, drew more than 700 judges, attorneys, court staff and special guests, including Supreme Court Justice Anthony M. Kennedy.

The conference is held annually pursuant to Section 333 of Title 28 of the United States Code for “the purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit.” Most of the judges who preside and lawyers who practice in the federal courts of the western United States participate.

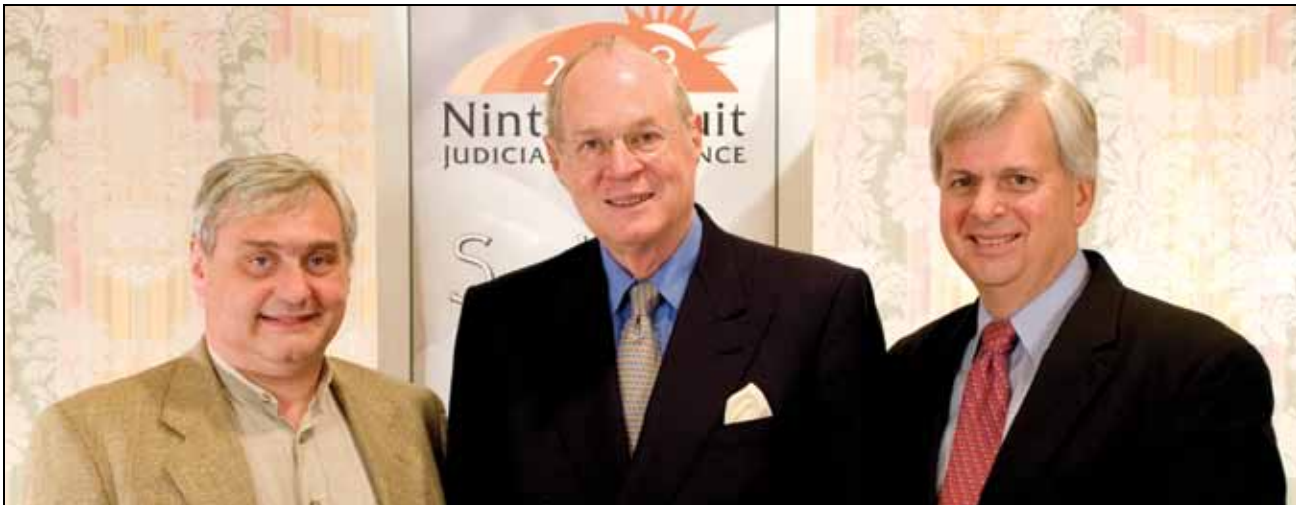
Ninth Circuit Chief Judge Alex Kozinski welcomed attendees to the annual event, which was last held in Idaho in 2000. Other opening session speakers included Idaho Gov. C.L. “Butch” Otter, and Paul D. Clement, former solicitor general of the United States. Circuit

Judge Richard R. Clifton of Hawaii, who chaired the Conference Executive Committee, presided over the proceedings.

Educational Programs

The conference general sessions included educational programs focusing on presidential power, the effect of television crime shows on jurors, dwindling opportunities for associate attorneys to obtain courtroom experience, the growing threat of wild fires in the West, international law, and wellness.

The session “Executive Power: Does the President Have to Obey the Law?” discussed the extent of presidential powers under the Constitution, the impact of a presidential refusal to comply with act of Congress



Above from left are Chief Judge Alex Kozinski, Supreme Court Justice Anthony M. Kennedy, and Circuit Judge Richard R. Clifton. At left is Circuit Judge Marsha S. Berzon. Opposite page: Kenneth W. Starr and Paul D. Clement discussed presidential powers under the Constitution.



on the basis of the executive branch’s own constitutional interpretation on the judiciary’s role, and whether the president should always inform Congress that he intends not to comply with a statutory command. Panelists included Kenneth W. Starr, dean of Pepperdine University School of Law; Kathleen M. Sullivan, a partner at Quinn Emanuel and a Stanley Morrison Professor of Law at Stanford Law School; Seth P. Waxman, chair of the Appellate and Supreme Court Litigation Practices Group at Wilmer Hale; and Paul D. Clement. Circuit Judge Consuelo M. Callahan of Sacramento introduced the panel, and Walter Dellinger, chair of the Appellate Practice Group at O’Melveny and Myers, and a Douglas B. Maggs Professor of Law at Duke University, served as moderators.

In “The CSI Effect: From the Living Room to the Courtroom” segment, experts reviewed research findings of interest to judges and lawyers concerning the so-called “CSI effect” on jurors, where the real-world evidence may or may not have corresponded to what they have seen on TV. Panelists for this session included Dr. Dan Gallipeau, president of Dispute Dynamics, Inc.; Peter Neufeld, co-founder and director of The Innocence Project; Michael Saks, professor of law and psychology at Arizona State University; Dr. Robert C. Shaler, director of Forensic Science Program at Pennsylvania State University. Chief District Judge Anthony W. Ishii of the Eastern District of California introduced the panel, and Adam Liptak, a national legal reporter for The New York Times, moderated the panel.

“Breakfast with the Bench — Beyond the Vanishing Trial: Are We Training the Next Generation?,” considered whether the next generation of lawyers are getting the training they need to master federal practice. Participants reviewed trends in filings

and trials within the circuit. Audience response systems were used to gather opinions, and suggested solutions were collected for further research and examination. Bankruptcy Judge Laura S. Taylor of the Southern District of California and LRCC Vice-Chair Robbin L. Itkin participated in the discussion. District Judge William Alsup of the Northern District of California moderated the session.

In the “Bigger, Hotter, Faster: The Nature of Fire in the West,” experts on wild fire management gave a special presentation about trends in new fire science specific to the West and how people can help decrease the threat of wild fires damaging their own property. Providing a glimpse into the complex world of fire fighting and fire management were panelists Dr. Richard Minnich, a professor of the Department of Earth Sciences at the University of California at Riverside; Jeanne Pincha-Tulley, forest fire chief of the Tahoe National Forest; and Wayne Williams, foreman of a U.S. Forest Service “smoke jumper” firefighters unit. LRCC Chair Joseph M. Meier of the District of Idaho introduced the panel, and Lyle Carlile, director of the Branch of Fire Management Bureau of Indian Affairs at the National Interagency Fire Center in Boise, moderated the session.

The final day of the conference included a segment on the complexities of international law and its influence on international trade and finance. The “Spanning the Globe: Dilemmas of Law and Policy” panel was moderated by Stanford University Professor Helen Stacy and included attorneys Kent Walker and Bruce Sewell, general counsels of Google and Intel Corp., respectively; attorney Alejandro Mayorkas, a former U.S. attorney for the Central District of California; and Linda Chatman Thomsen, director, Division of Enforcement, U.S. Securities and Exchange Commission. Attorney Robert T. Torres of Saipan, a member of the Conference Executive Committee, introduced the panel.

A health segment, which has become a regular part of the conference program, offered critiques of popular diets. “Deconstructing Designer Diets: The Myths and the Realities,” featured Dr. Melina Jampolis of San Francisco. Bankruptcy Judge Leslie Tchaikovsky of the Northern District of California introduced Dr. Jampolis to the audience.

Conversation with the Justice

Supreme Court Justice Anthony M. Kennedy brought the 2008 Ninth Circuit Judicial Conference to a close Thursday, July 31, with a speech focused on the rule of law in an increasingly globalized world.



Program Chair Kelli Sager participates in the “Conversation with Supreme Court Justice Anthony M. Kennedy.”

The “Conversation with the Justice” segment, which traditionally concludes the conference, also included a question-and-answer session with Senior District Judge John C. Coughenour of Seattle and attorneys Kelli Sager of Los Angeles and Joe Meier of Boise.

Justice Kennedy spoke of his experience as a member of the United Nations Commission on the Legal Empowerment of the Poor. Globalization may reduce opportunities for future generations of Americans to influence world events, but not the freedom they enjoy, Justice Kennedy said. And while the future may be uncertain, we need not feel threatened, he said. Justice Kennedy received several standing ovations during his appearance.

Presenting questions to Justice Kennedy were Circuit Judge Richard R. Clifton, Senior District Judge John C. Coughenour, attorneys Kelli L. Sager and Joseph M. Meier. ■

Conference Attendees Favor Juror Interviews

Judges and lawyers who participated in the 2008 Ninth Circuit Judicial Conference largely favored a resolution that allowed legal counsel to interview jurors at the conclusion of both civil and criminal trials in federal courts. The Judicial Council of the Ninth Circuit subsequently voted to approve the resolution.

The resolution urges courts to repeal rules that prohibit juror interviews and, instead, either leave the matter to the discretion of the presiding judge, or adopt a rule permitting interviews, subject to the consent of the jurors and reasonable time, place and manner restrictions.

Among the 15 federal trials courts in the Ninth Circuit, nine allow counsel to interview jurors after trial with certain conditions. Six courts prohibit counsel from interviewing jurors after trial, citing a Ninth Circuit legal precedent, *Northern Pacific Railway Co. v. Mely*, 219 F.2d 199, 202 (9th Circuit, 1954). The resolution sought a circuit-wide policy permitting the practice.

Jurors are under no obligation to talk with attorneys. The policy would only allow attorneys to approach jurors for interviews.

Proponents said lawyers can improve their advocacy skills by learning how jurors experienced different aspects of a trial, such as the presentation of evidence or cross-examination of witnesses. Opponents worried that overzealous lawyers would abuse the interview by seeking information about juror conduct and jury deliberations that might lead to a new trial or setting aside a verdict.

At the conference, judges and attorneys briefly debated the resolution prior to the vote. Speakers in favor of the resolution included Ninth Circuit Chief Judge Alex Kozinski, Senior District Judge John C. Coughenour of Seattle and two federal public defenders, Thomas Hillier of Seattle and Franny Forsman of Las Vegas. Senior District Judge H. Russel Holland of Anchorage and attorney Gary Grimmer of Honolulu spoke in opposition. ■

Annual Awards Presented

The Ninth Circuit Judicial Conference provides an opportunity to recognize outstanding service to the legal profession and judicial system. Awards established by the Judicial Council of the Ninth Circuit, the Administrative Office of the United States Courts, and the prestigious American Inns of Court are presented during the conference. The following recipients were announced for 2008:



Pictured above from left are Fifth Circuit Chief Judge Deanell Reece Tacha; L.A. Superior Court Judge Judith C. Chirlin, American Inns of Court Ninth Circuit Professionalism Award recipient; and Ninth Circuit Judge Milan D. Smith, Jr. Pictured below from left are Robert S. Warren, John P. Frank Award recipient, and Meryl L. Young, Advisory Board chair.



Ninth Circuit Professionalism Award

Los Angeles County Superior Court Judge Judith C. Chirlin received the 2008 American Inns of Court Ninth Circuit Professionalism Award, which recognizes “a senior practicing lawyer or judge whose life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession and the rule of law.”

Judge Chirlin has taught, lectured and mentored judges in Eastern Europe, Central and South America, and the Middle East, where she helped reestablish the judiciary in war-torn Iraq. She is a past chair of the CEELI (Central and East European Law Initiative) Advisory Board for the American Bar Association. Judge Chirlin received a B.A. in 1969 from George Washington University, an M.A. in 1970 from Rutgers University, and a J.D. in 1974 from the University of Southern California School of Law, where she served on the law review editorial board.

Judge Chirlin is a counselor and an active Master of the Bench of Southern California Business Litigation American Inn of Court, and an alumnus of the William J. Rea American Inn of Court and the William P. Gray Legion Lex American Inn of Court. Appointed to the state court bench in 1985, Judge Chirlin is highly esteemed by her colleagues and lawyers practicing in her court.

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

John P. Frank Award

Robert S. Warren, a litigation partner in the Los Angeles office of Gibson, Dunn & Crutcher, received the 2008 John P. Frank Award, which recognizes a lawyer who has “demonstrated outstanding character and integrity; dedication to the rule of law; proficiency as a trial and appellate lawyer; success in promoting collegiality among members of the bench and bar; and a lifetime of service to the federal courts of the Ninth Circuit.”



Magistrate judges' staffs from the Southern District of California received the Robert F. Peckham Award at a luncheon held in San Diego, June 24.

Mr. Warren's legal career spans 52 years, all of it spent with Gibson Dunn. He joined the firm in 1956, the same year he received his J.D. from the USC School of Law, where he was an associate editor of the law review and a member of the Order of the Coif. He has been a fellow of the American College of Trial Lawyers since 1974. He also formerly served on the board of the Institute of Corporate Counsel. He is a member of the California Supreme Court Historical Society, the Ninth Judicial Circuit Historical Society and the USC Law School Board of Councilors.

Alternative Dispute Resolution Awards

The staffs for the Southern District of California's magistrate judges received the 2008 Robert F. Peckham Award for Excellence in Alternative Dispute Resolution. The Peckham award recognizes judicial employees who have significantly advanced the delivery of effective court-based ADR programs in the circuit.

The judicial staffs were chosen for their successful facilitation of the Early Neutral Evaluation (ENE) program, which involves parties meeting with their assigned magistrate judge for settlement conference within 45 days of the first answer in the case. The conference serves both as the initiation of mediation as well as a case management tool.

The staffs are involved in many tasks from scheduling of conferences to informing the public and the bar about the ENE program, and in summarizing files. They ensure that the program's goals are met as well as assisting to integrate this program with the broader case management and other support services. The staff members reduced the court's workload significantly and helped to shorten the time from filing to disposition. They met the award criteria of delivering "the highest level of service as an administrator and innovation in program design and implementation." Senior Circuit Judge Dorothy W. Nelson presented the award to the staff members at a luncheon held in San Diego, California, on June 24.

The University of Nevada, William S. Boyd School of Law, received the 2008 Ninth Circuit ADR Education Award, which recognizes law schools that have significantly advanced ADR scholarship and research. The Boyd Law School established its Saltman Center for Conflict Resolution in 2003. The center is the primary vehicle for advancing the university's ADR studies. The Saltman Center has hosted numerous conferences and seminars, which are open to the public, to enhance public awareness of ADR. Peter Reilly, director of the center's negotiation training, accepted the award on behalf of the school at the Ninth Circuit Judicial Conference in Sun Valley, Idaho. ■

Circuit Responds to Influx of Prisoner Petitions

With help from the Judicial Council of the Ninth Circuit, the United States District Court for the Eastern District of California made progress in 2008 toward resolving a backlog of cases, many of them brought by inmates in state and federal prisons.

The council authorized the recruitment of judges from other courts in the circuit to take Eastern District cases. The council also moved to obtain funding for additional law clerks and court staff, and undertook promotion of mediation and other means to resolve prison matters.

The joint effort was announced at the 2008 Ninth Circuit Judicial Conference in Sun Valley, Idaho, by Eastern District Chief Judge Anthony W. Ishii and Senior Circuit Judge J. Clifford Wallace of the U.S. Court of Appeals for the Ninth Circuit. Judge Wallace chairs a special committee formed by the judicial council to assist the district.

“The problems facing the Eastern District result not from lack of effort, but lack of judges and staff. Judges and court staff are doing all they can, but there are just not enough of them,” Judge Wallace said in a statement announcing the effort.

The Eastern District’s six judges are among the most productive in the nation. They terminated 932 cases per judge in 2008, the most in the circuit and second most in the nation. Despite these efforts, the court’s pending caseload continues to grow as a result of new filings and the nature of its cases. The number of pending cases per judge averaged 1,393 in 2008, an increase of 3.9 percent from 1,340 cases reported in 2007.

(The court also relies on six semi-retired senior district judges, two of whom are carrying nearly full caseloads, and 12 magistrate judges, who have limited authority to preside over cases.)

New case filings continue to exceed terminations in the Eastern District, which had 1,004 weighted filings per judgeship in 2008, the highest of any court in the nation. The Eastern District’s civil filings totaled 4,974, up 9.8 percent, while criminal filings numbered 940, a 5.6 percent increase from the prior year.

Eastern District of California Prison Locations



The court’s burgeoning caseload has been driven by population growth and a phenomenal increase in prisoner filings. New prisoner petitions numbered 2,461 in 2008, amounting to 41.6 percent of the Eastern District caseload. Most prisoner petitions are filed pro se, or without benefit of counsel, and generally require more time and effort to process.

Weighted filings per judgeship is a statistical work measure used in part to determine the need for new federal judgeships. A minimum of 430 weighted filings is currently required to justify a new judgeship. Based on this standard, the Eastern District qualifies for as many as six new judgeships.

Since 1990, Congress has authorized 14 additional permanent and temporary judgeships for the four federal judicial districts in California. However, the Eastern District has received only one of those, a temporary judgeship authorized in 1990. The temporary judgeship expired in 2004 after Congress chose not to renew the position.

Judges, Journalists Gather in Nevada

Nearly 100 journalists, media lawyers and academics participated in a media conference held June 5, 2008, at the Lloyd D. George U.S. Courthouse in Las Vegas, Nevada. The program, entitled Federal Courts: Removing the Mystery, included topics on federal criminal case process, judicial codes of conduct, the Wen Ho Lee case, and access to court information.



Chief District Judge Roger L. Hunt opened the floor for media questions. Pictured below, journalists shared their thoughts on outreach efforts made by the courts.



The event was cosponsored by the district court and the Ninth Circuit Public Information and Community Outreach (PICO) Committee. The committee was established in 2000 by the Judicial Council of the Ninth Circuit “to facilitate better relations between the courts and the news media, and to promote existing community outreach programs, which help educate the public about the work of the courts.”

Media panelists included Martha Bellisle, legal affairs reporter, Reno Gazette-Journal; Lucy Dalglisch, executive director, The Reporters Committee for Freedom of the Press; Colleen McCarty, investigative reporter, KLAS-TV, Las Vegas; Jane Ann Morrison, columnist, Las Vegas Review-Journal; and Emily Thomas Neilson, president and general manager, KLAS-TV, Las Vegas.

Judicial participants included Ninth Circuit Judge M. Margaret McKeown, District Judges Larry R. Hicks, Clive Jones, James C. Mahan, Howard D. McKibben, and Philip M. Pro, and Magistrate Judge Lawrence Leavitt. Chief District Judge Roger L. Hunt welcomed the attendees and moderated an open forum set aside for follow-up questions about subjects discussed or new topics raised for comment and further discussion. PICO chair Judge Marilyn Huff of San Diego also served as a moderator.

Other participants from the District of Nevada included Chief Pretrial Services Officer Shiela Adkins; First Assistant Federal Public Defender Michael Kennedy; Assistant U.S. Attorney Russell E. Marsh, Chief of Criminal Division; and District Court Clerk Lance Wilson. ■

Criminal Justice Act Summit Held

Once criticized for spending too much on legal defense of defendants charged with major crimes, federal courts in the Ninth Circuit now lead the way in controlling such costs without compromising representation. The circuit's Criminal Justice Act Summit was the latest chapter in this ongoing effort to better manage some of the courts' most complex and challenging cases.

Held Jan. 9-11 in San Diego, the CJA Summit brought together judges, court staff, attorneys from several federal public defender offices, and representatives of the Administrative Office of the United States Courts and the Federal Judicial Center. All told, 14 of the 15 district courts within the Ninth Circuit were represented along with visitors from the Second, Fourth, Sixth and 10th circuits.

The event was organized by the Office of the Circuit Executive, which has developed and is promoting broader use by the courts of a case management system that includes electronic budgeting and record-keeping tools to plan and track expenses. Initially intended for capital habeas cases, the system also is being used on a trial basis for federal direct death penalty cases and large criminal "mega" trials in a three-circuit pilot program funded by the AO.

Circuit executive staff was among the presenters. They included Nancy Rutledge, CJA case-budgeting attorney, who is providing staff support to the pilot program, and Sandy Andrews, policy and research analyst, who helped develop the original system.

The Ninth Circuit was the first in the nation to adopt a policy setting compensation rates for legal counsel and others involved in CJA and capital habeas matters. Adopted in 1998 and amended several times since then, the policy sets a tiered rate structure for counsel and maximum rates for investigators, paralegals and numerous categories of experts who may become involved in the case. The policy also provides for review and approval of case budgets by the circuit's Capital Case Committee and Judicial Council.

In addition, the CJA process requires that a circuit judge review and approve expenditures that exceed certain statutory limits. Circuit Judge Raymond C. Fisher of Pasadena, one of three judges currently assigned this task in the Ninth Circuit, opened the program, challenging summit participants to make the processing of CJA vouchers more uniform throughout the circuit.

Cole Benson, Debra Rhodes and Lynn Warton from the court of appeals clerk's offices in Pasadena, San Francisco, and Seattle discussed ways of improving and expediting the approval process of CJA voucher payments.

District Judge Barry Moskowitz from the Southern District of California and Paul Denicoff of the AO's Defender Services Office, discussed the Ninth Circuit Case Management and Budgeting Pilot Project, which began in January 2007 and includes the Second and Sixth circuits. The pilot program was designed to help the courts contain costs and to simultaneously promote high-quality representation of defendants consistent with the best practices of the legal profession.

The program involved judges, court staff and defense counsel in developing a phased case management and budgeting plans. Electronic worksheets developed with Microsoft Excel spreadsheet software helped automate data collection, manage information and project and track expenditures. The worksheets automatically replicate key case information, incorporated approved hourly rates and relied on mathematical formulas to guard against computational errors, which were common in manual processing of data.

Circuit executive staff is exploring further refinements to the system, including the ability to enter data over the Internet using a web browser.

Other presenters included Ronnie Honey, chief deputy clerk for the District of Arizona; Randy Schnack, a CJA supervising attorney from the Central District of California; Jeane DeKelder, a CJA supervising attorney for the Northern District of California; Diane Goldberg of the AO Defender Services Office; and Tim Reagan, FJC researcher. ■



Judges, Clerks Consider *Pro Se* Litigants

Some 90 law clerks, district and magistrate judges and other court staff gathered for the fourth annual Ninth Circuit *Pro Se* Conference, held September 18-19 in Scottsdale, Arizona. The event was sponsored by the Ninth Circuit Committee on Self-Represented (*Pro Se*) Litigants with support from the Office of the Circuit Executive. All 15 judicial districts of the circuit and the Ninth Circuit Court of Appeals participated.

Senior Circuit Judge William C. Canby, Jr., who has chambers in Phoenix, opened the conference by recognizing the dedication and effort by all those working on *pro se* litigation. The keynote address was delivered by Senior District Judge James K. Singleton of Anchorage, who chaired the Self-Represented Litigants Task Force, which conducted an exhaustive study of *pro se* litigation and evaluated existing alternative approaches to managing the growing caseload.

Conference attendees received a case law update from Professor Rory Little of the University of California, Hastings College of the Law, which was followed by breakout sessions for judges and *pro se* law clerks. Magistrate Judge James P. Donohue of Seattle facilitated the judges' breakout session, which focused on how to handle *pro se* litigants in the courtroom and the extent of assistance that can be ethically provided by the court. Supervising staff attorney Susan Gelmis of the Ninth Circuit Court of Appeals facilitated the breakout session for clerks, which included discussion on how to deal with



Keynote speaker J. Clark Kelso talked of the California prison litigation.

pro se litigants who are mentally ill, habeas petitions challenging denial of parole in California, and other case management issues.

The conference also heard remarks from J. Clark Kelso, the federal receiver appointed by a special three-judge federal court presiding over civil rights litigation involving medical care in California prisons. Mr. Kelso discussed efforts to establish centralized management of health care appeals, correspondence, and habeas corpus petitions.



The conference drew more than 90 participants.

Courts Focus on Capital Habeas Management

Capital habeas corpus petitions, in which a death penalty defendant claims a violation of constitutional rights, are extremely complex and often quite costly to adjudicate. Through its Capital Case Committee, the Ninth Circuit seeks to better manage capital habeas corpus cases, thereby containing costs without compromising legal representation.

Capital habeas corpus case budgets are submitted by Criminal Justice Act panel attorneys to the presiding judges of the district courts in which the cases are heard. The budgets are reviewed and approved by the Judicial Council of the Ninth Circuit based on recommendations from the Capital Case Committee. The previous review and approval process often took several months to complete. If the Capital Case Committee or the Judicial Council recommended subsequent budget changes, additional time was needed before final approval.

The Capital Case Committee has sought to speed up the process by dividing its workload among three subcommittees. Each subcommittee reviews one-third of the budgets submitted and makes recommendations. Cases are immediately assigned as they are received, rather than being held for a quarterly committee meeting. Subcommittees are expected to act within two weeks of receiving the budget. If after discussing any issues, subcommittee members are unable to reach a consensus, the budget is held over and discussed at the next full committee meeting.

While only the assigned subcommittee members are required to review budget materials, the materials are available to all committee members, who also can and sometimes do offer additional input.

The committee agreed to evaluate the new process after one year.

In 2008, the committee also evaluated whether there was a need to increase the maximum hourly rates charged by investigators and paralegals involved in capital habeas cases.

The committee recommended increasing the maximum hourly rates that can be charged by investigators and paralegals to \$75 per hour from \$55-\$65 per hour, and paralegal rates to \$45 per hour from \$35 per hour, respectively. The higher rates were approved in October by the Judicial Council of the Ninth Circuit. It was the first increase in rates for investigators and paralegals since 2002.



Seated from left to right: Magistrate Judge Craig M. Kellison (CAE), District Judge Mary H. Murguia (AZ), District Judge David O. Carter, Chair (CAC), District Judge Ronald M. Whyte (CAN), District Judge Barry Ted Moskowitz (CAS). Standing from left to right: Margaret Epler, law clerk (COA), Andy Parnes, CJA attorney (ID), Carla Ortega, staff attorney (CAC), Margaret Fainer-Towne, staff attorney (CAE), Sandy K. Andrews, policy and research analyst, Nancy Rutledge, CJA case-budgeting attorney, Kristine Fox, staff attorney (AZ), Dr. Robert Rucker, assistant circuit executive for policy and research, Jeane DeKolver, CJA supervising attorney (CAN). Not pictured: District Judge Philip M. Pro (NV), Senior District Judge Wm. Fremming Nielsen (WAE) and Steven T. Wax, federal public defender (OR).

The Capital Case Committee is chaired by District Judge David O. Carter of the Central District of California. The committee meets four times a year in the different judicial districts of the Ninth Circuit having active capital cases. Judges and court staff working on those cases in the host district are invited to attend all or parts of the meetings.

Capital Case Committee members also attend the Ninth Circuit's annual conference for death penalty law staff attorneys and case management workshops for staff attorneys, and have provided training for Article III judges. ■

Technology Users Group Reaches Milestone

The Ninth Circuit's 20th annual Technology Users Group (TUG) Conference was held August 19-21 in San Francisco, drawing some 240 information technology and other court staff representing all of the judicial districts of the circuit and the Administrative Office of the United States Courts.

The program included opening session remarks by Chief Judge Alex Kozinski, who also sat with Circuit Judge Sidney R. Thomas and Circuit and Court of Appeals Executive Cathy A. Catterson on a panel that took questions from the audience.

TUG is sponsored by the Office of the Circuit Executive with assistance from IT staff throughout the circuit. Assistant Circuit Executive Don Vincent welcomed attendees and recognized the contributions of his staff, the IT System Managers Committee, and the staff of the court of appeals.

AO staff in attendance included Joseph Peters, deputy assistant director, Office of Information Technology (OIT); Terry Cain, chief of IT policy staff, OIT; Thomas Baribeau, support branch chief, IT Systems Deployment and Support Division; Neal Dillard, supervisory IT specialist, Infrastructure Management Division; and Keith Dove, IT specialist, Infrastructure Management Division.

AO staff reported on the expansion of the court's internal data communications network, or DCN, which has nearly doubled since 2003; the success of email spam filters, which block 94 percent of unsolicited messages; and the provision of redundant services that are automatically engaged in emergencies.



Above: Chief Judge Alex Kozinski, Circuit Judge Sidney R. Thomas, and Circuit and Court of Appeals Executive Cathy A. Catterson field questions at the TUG Conference. Below: Chief Pretrial Services Officer George Walker takes a look at vendor displays.

In his opening remarks, Chief Judge Kozinski told attendees that he was pleased to see the Ninth Circuit develop a closer relationship with the AO and praised AO Director James C. Duff for bringing change to the organization. He encouraged court staff to view technology as a partner and a way for court to become more efficient and more effective.

“We have to keep in mind that we must have technology work for us and not the other way around,” said Chief Judge Kozinski. ■



Magistrate Judges Test New Program

Magistrate judges in the Ninth Circuit gained a better understanding of sentencing issues through a first-of-its-kind Pretrial and Misdemeanor Sentencing Institute, held November 5-7 in San Diego. The institute focused on various issues arising in the handling of pretrial criminal matters and the considerations associated with sentencing in misdemeanor cases.

The program was organized by the Ninth Circuit's Magistrate Judges Executive Board, the Federal Judicial Center, the Federal Bureau of Prisons, the Federal Detention Trustee, the United States Sentencing Commission, the U.S. Probation Office for the Southern District of California, and the U.S. Pretrial Services offices for the Southern and Central Districts of California. It was modeled after an FJC sentencing program held regularly for Article III judges.

Pretrial and misdemeanor sentencing make up a significant volume of cases in the U.S. district courts. In fiscal year 2008, there were 100,742 misdemeanor dispositions in the United States. Approximately one-fifth or 21,637 dispositions were handled by magistrate judges in the Ninth Circuit. In terms of pretrial proceedings, out of a national 332,852 matters, 80,158, or approximately 25 percent of the total, occurred in the Ninth Circuit. These proceedings were predominately initial appearances, arraignments, detention hearings, competency evaluations, and guilty pleas. These areas, along with sentencing considerations under the Sentencing Guidelines, and the U.S. Code, were the focus of the three-day event.

In addition to discussions by judges and other court professionals, the program featured presentations by health care professionals in the areas of the neurobiology of addiction, the psychology of the sex offender, and the process of mental competency evaluation and treatment. The participants also heard

from academics who studied the risk of bias and cognitive error when dealing with pretrial detention and misdemeanor sentencing. Prison officials discussed transportation issues associated with moving pretrial detainees, and rehabilitative programs offered in the prisons.

The presentations were lively, interactive, and very entertaining. Pre-program videos of sample detention hearings, the use of audience response systems, and a host of PowerPoint presentations were offered in addition to some research memoranda created especially for this program.

Feedback from magistrate judges was largely positive with many saying the program will help in day-to-day management of their very busy criminal dockets. ■■



Magistrate Judge Anthony J. Battaglia (left) chaired the planning committee. Participants (below) enjoyed and gained a better understanding of sentencing issues.



“Three Strikes” Database Project Advances

Judges and court staff from the Ninth Circuit have developed a tool to identify prisoner litigants who repeatedly file pro se actions later found to be unsupported by facts or law.

The Pro Se “Three Strikes” Database project has been implemented by the district courts in the Ninth Circuit and by the Eastern District of Texas in the Fifth Circuit using funding authorized by the Judicial Conference of the United States. The JCUS Committee on Information Technology recommended the project for an Edwin L. Nelson Local Initiatives Program IT grant for fiscal year 2008. The Administrative Office of the U.S. Courts allocated \$171,000 to the effort.



The Ninth Circuit effort is supported by information technology staff from the Office of the Circuit Executive working with Magistrate Judge Dennis L. Beck of the Eastern District of California and others. Pictured above are Application Developer Jane Rokita and Assistant Circuit Executive for IT Don Vincent.

The “three strike” reference is derived from the federal Prison Litigation Reform Act, which provides for sanctions if a prisoner’s complaints are dismissed on three occasions as frivolous, malicious or for failure to state a claim. A prisoner with three strikes may not file in forma pauperis, thereby requiring full payment of court filing fees at the outset of a case, rather than in installments over time.

The database program is designed to track pro se prisoner filings that are dismissed as frivolous, malicious or for failure to state a claim for relief, and to more easily identify so-called “three strikers” regardless of which courts issued the strike. Federal courts expend substantial staff time processing the thousands of pro se filings received from prisoners each year. The ability to identify prisoners known to be frequent filers and to limit their ability to file future actions unless they pay filing fees are expected to free up resources and staff for other work.

Case clerks in many courts now track strikes accumulated in their courts but this does not reflect prior cases filed outside a particular district or circuit. Many prisoners intent on “gaming the system” will file cases in multiple districts under various aliases.

The Ninth Circuit Pro Se “Three Strikes” Database has been online since March 2007 and now includes more than 845 litigants and 1,405 cases.

During the development of the Ninth Circuit system, it was discovered that the Fifth Circuit has had a three-strikes tracking system in place since the mid-1990s managed by the Eastern District of Texas. The system has proven effective in identifying prisoners with three strikes.

Pro se law clerks who use the system have asked that it provide a direct link to case dockets stored online through the PACER system (Public Access to Court Electronic Records). They want to be able to double check records to verify that what constitutes a “strike” in another district is consistent with the rules of their own districts. This added capability is being reviewed by the AO.

AO Director James C. Duff has expressed interest in the program’s national potential, noting that the availability of the database tracking system would be a great benefit to the entire judiciary. Indeed, the Fifth and Ninth circuits are working together to produce one database to be used nationally by building a new system using the best ideas from both current applications as well as suggestions gathered from the other circuits. ■

Bankruptcy Appellate Panel Selects New Chair

United States Bankruptcy Judge Dennis Montali of the Northern District of California assumed the gavel in 2008 as chief judge of the Ninth Circuit Bankruptcy Appellate Panel (BAP), which resolves appeals arising out of bankruptcy court decisions.

Judge Montali succeeded Bankruptcy Judge Christopher M. Klein of Sacramento as chief judge of the BAP. Judge Klein, who served on the BAP for 10 years, became chief judge of the U.S. Bankruptcy Court for the Eastern District of California in October 2008.



Bankruptcy Judge Dennis Montali has been serving on the BAP for nearly 10 years.

Judge Montali was elevated to chief judge on a vote of his fellow judges on the BAP. His term will run through 2010, when he is scheduled to step down from the BAP after 10 years of service, the maximum allowed under circuit rules. Judge Montali, who has been a bankruptcy judge since 1993 and has chambers in San Francisco, described the BAP as the “ultimate peer review panel.”

“We are very proud of the fact that (the BAP) decides cases very quickly and we plan to keep up that pace,” he added, noting that the court had no pending cases under submission.

Judge Montali was appointed to the bankruptcy court in 1993 and reappointed in 2007. Prior to coming onto the bench, he headed the Creditors Rights and Bankruptcy Group at the law firm of Pillsbury, Madison & Sutro. He is a fellow of the American College of Bankruptcy and a former member of the National Bankruptcy Conference.

A native of San Francisco, Judge Montali received his bachelor’s degree from the University of Notre Dame in 1961 and his juris doctorate from the University of California at Berkeley Boalt Hall School of Law in 1968. He served on active duty with the Naval Reserve from 1961 to 1965.

The BAP, which is based in the Richard H. Chambers U.S. Courthouse in Pasadena, has six permanent judges who serve seven-year terms with the possibility of a three-year extension. A seventh BAP judgeship has been left vacant in recent years, in part so that bankruptcy judges from around the circuit might be able to experience the appellate process as judges pro tem.

BAP appointments are made by the Judicial Council of the Ninth Circuit, governing body for federal courts in nine western states and two Pacific Island jurisdictions.

The BAP was established in 1979 by the Judicial Council of the Ninth Circuit as an alternative forum for hearing bankruptcy appeals. Since then, it has disposed of more than 15,000 cases, including more than 5,250 decided on the merits.

The Ninth Circuit was the first federal circuit to establish a bankruptcy appellate panel. Other circuits with bankruptcy appellate panels are the First, Sixth, Eighth and Tenth circuits. ■■

Court of Appeals Names New Clerk of Court

Ninth Circuit Court of Appeals judges filled a key administrative post in March with the selection of Molly C. Dwyer as clerk of court. She succeeded Cathy A. Catterson, who was appointed circuit and court of appeals executive in December 2007. Ms. Dwyer had been chief deputy clerk under Ms. Catterson.

In announcing the selection, Ninth Circuit Chief Judge Alex Kozinski described Ms. Dwyer as “a very experienced attorney and administrator who has a wonderful working relationship with the judges of the court, the court staff and the legal community.”

Ms. Dwyer was sworn into office by Chief Judge Alex Kozinski at a Federal Bar Association event in San Francisco attended by more than 50 federal judges 450 lawyers.

As chief administrative officer for the court, Ms. Dwyer manages a staff of more than 200 working in the court’s headquarters in San Francisco and divisional offices in Pasadena, Portland and Seattle.

Ms. Dwyer has been with the Court of Appeals since 1988. She worked as a staff attorney and supervising staff attorney before being promoted to chief deputy clerk in 1994.

Ms. Dwyer received her B.A. in history from Saint Michael’s College in 1981, an M.A. in international history from the London School of Economics in 1984, and her J.D. from the State University of New York at Buffalo School of Law in 1988. She was editor of the Buffalo Public Interest Law Review and a research assistant while in law school. ■■



Molly C. Dwyer has been serving the court for 20 years.

New Judges Meet in San Francisco



The Office of the Circuit Executive (OCE) offered a two-day orientation for new judges at the James R. Browning United States Courthouse held April 17-18 in San Francisco.

Chief Judge Alex Kozinski met with the judges during the event, and Circuit and Court of Appeals Executive Cathy A. Catterson welcomed the judges.

Circuit Judge M. Margaret McKeown, member of the Judicial Conference of the United States Codes of Conduct Committee, made a presentation on “Navigating Ethics in a See-Through Environment.”

Several judges also discussed juror utilization, case management and electronic case filing, bankruptcy judges and magistrate judges programs.

Staff from the OCE, Office of the Clerk, Office of the Circuit Mediator, and the library, gave presentations on court governance, role of the Ninth Circuit Judicial Council, case management and electronic case filing, motions and screening panels, mediation program, and library services.

A docent-led tour of the Browning Courthouse was held following an afternoon reception. ■

Attendees included, seated above from left, District Judge Benjamin Hale Settle (WAW), Magistrate Judges Keith Strong (MT), Gary S. Austin (CAE) and James P. Hutton (WAE). Standing from left are Bankruptcy Judge Laura S. Taylor (CAS), Magistrate Judges John V. Acosta (OR) and Candy Dale (ID), and District Judge Richard A. Jones (WAW).



Pictured from left is Chief District Judge Frances Marie Tydingco-Gatewood, and Circuit and Court of Appeals Executive Cathy A. Catterson.

National Library Week Observed



The National Library Week is a time to celebrate libraries and to promote library use. It was first sponsored by the American Library Association in 1958, and the Ninth Circuit library staff have been holding an annual celebration each April for more than a decade. It is celebrated by library staff in San Francisco as well as selected other branches around the circuit and generally features library-themed contests with prizes as well as food and refreshments. ■

Pictured above, bottom row (L-R): Trish McCurdy, Emily Newman, Benh Loc, and Ed Hosey. Top row (L-R): James Maldovan, Filiberto Govea, Nancy Tsang, Debbie Sham, Sally Bingham, Lisa Larribeau, Eric Wade, Deborah Celle, John M. Hendricks (from U.S. District Court library in San Francisco), and James Goodlett.

Law Clerk Orientation Held

The United States Court of Appeals for the Ninth Circuit held its annual law clerk orientation program in September at the James R. Browning U.S. Courthouse in San Francisco. Some 150 new law clerks spent two days in meetings with judges and court staff, discussing a wide range of legal and operational matters. The program included sessions on immigration, habeas corpus law, en banc process and procedures, sentencing, and ethics. Highlights included remarks by Associate Justice Anthony M. Kennedy of the Supreme Court, who was visiting the court and agreed into participating in an informal conversation moderated by Circuit Judge Richard R. Clifton of Honolulu. Also participating in the program were Chief Judge Alex Kozinski and Circuit Judges Sidney R. Thomas, Stephen Reinhardt, Michael Daly Hawkins, M. Margaret McKeown, Circuit and Court of Appeals Executive Cathy A. Catterson, and Clerk of Court Molly C. Dwyer. ■



SPACE AND FACILITIES



James A. Walsh Courthouse Rededication



The historic James A. Walsh United States Courthouse in Tucson, Arizona, was officially rededicated on November 13, 2008, following a \$13 million renovation project.

Tucson Mayor Robert E. Walkup and Chief District Judge John M. Roll welcomed attendees to the rededication ceremony. They included U.S. Rep. Raul M. Grijalva, Arizona Attorney General Terry Goddard, Pacific Rim Regional Administrator Peter G. Stamison of the General Services Administration, and Professor Charles E. Ares, dean emeritus of the University of Arizona College of Law. Circuit Judge Michael Daly Hawkins, who has chambers in Phoenix, and Bankruptcy Judge James M. Marlar were among those making remarks.

The Tucson courthouse was built during the Depression and opened in 1930 as a combination courthouse and U.S. Post Office. Renamed in 1985 in honor of James A. Walsh, a major civic figure in Tucson history, the building is included on the National Register of Historic Places.

The Walsh Courthouse was a major repair and alteration project for use by the U.S. Bankruptcy Court and the U.S. Trustees Office. The scope of work included:

- landscaping and enlarging the entrance at the front door on Scott Avenue;
- refurbishing two courtrooms (one historic);
- building a third courtroom and a state of the art video conference hearing room;
- building a cashier/intake area;
- upgrading and improving perimeter security and blast protection;
- conforming with the American with Disabilities Act, and the Uniform Federal Accessibility Standards; and
- replacing all non-historic windows with new blast windows.

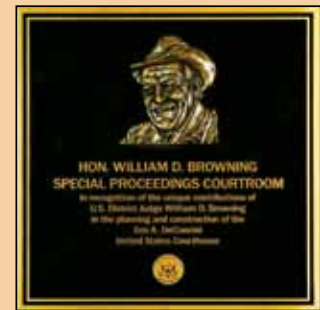
The building was fully occupied during construction and work was completed during off hours and weekends. The project took 30 months to complete and had an estimated budget of \$17.250 million but was completed below budget at \$13.050 million, an overall savings of \$4.2 million. ■



Arizona judges gathered to celebrate completion of the 30-month and \$13 million project. Pictured above is Charles E. Area, dean emeritus of the University of Arizona College of Law.

Arizona Courtroom Dedications

Pictured above right is a plaque installed during a special courtroom dedication ceremony honoring Senior District Judge William D. Browning in recognition of his contributions in the planning and construction of the Evo A. DeConcini United States Courthouse in Tucson. The event was held on November 21, 2008.



Pictured below right is a plaque installed during a special courtroom dedication ceremony honoring Senior District Judge Robert C. Broomfield in recognition of his contributions in the planning and construction of the Sandra Day O'Connor United States Courthouse in Phoenix. The event was held December 19, 2008.



Courthouses Under Construction



Coeur d'Alene

U.S. Courthouse

Gross Square Footage: 63,079

Project Completion Date: 2009

Architects: ALSC Architects



Great Falls

U.S. Courthouse

Gross Square Footage: 48,411

Project Completion Date: 2009

Architects: BC Development
with Hoefer Wysocki Architects, LLC

In Design Phase



San Diego

U.S. Courthouse

Gross Square Footage: 619,644

Architects: Richard Meier & Partners



Los Angeles

U.S. Courthouse

Gross Square Footage: 1,016,300

Architects: Perkins & Will Architecture

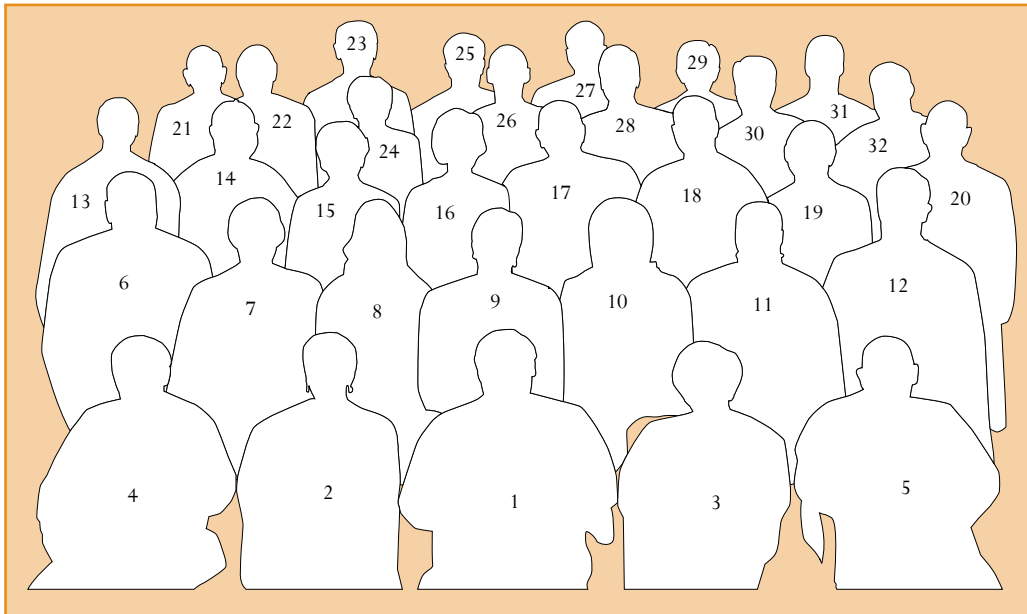


NINTH CIRCUIT COURT OF APPEALS JUDGES

THE WORK OF THE COURTS



Ninth Circuit Court of Appeals Judges



- | | |
|--|---|
| 1. Alex Kozinski Pasadena, CA | 28. Richard R. Clifton Honolulu, HI |
| 2. Mary M. Schroeder Phoenix, AZ | 29. J. Clifford Wallace San Diego, CA |
| 3. Betty Binns Fletcher Seattle, WA | 30. William A. Fletcher San Francisco, CA |
| 4. Robert Boochever Pasadena, CA | 31. Richard C. Tallman Seattle, WA |
| 5. Harry Pregerson Woodland Hills, CA | 32. N. Randy Smith Pocatello, ID |
| 6. Stephen Reinhardt Los Angeles, CA | |
| 7. Susan P. Graber Portland, OR | Not Pictured: |
| 8. Kim McLane Wardlaw Pasadena, CA | Robert Beezer Seattle, WA |
| 9. M. Margaret McKeown San Diego, CA | James R. Browning San Francisco, CA |
| 10. Consuelo M. Callahan Sacramento, CA | Melvin Brunetti Reno, NV |
| 11. Johnnie B. Rawlinson Las Vegas, NV | William C. Canby, Jr. Phoenix, AZ |
| 12. Diarmuid F. O'Scannlain Portland, OR | Ferdinand F. Fernandez Pasadena, CA |
| 13. David R. Thompson San Diego, CA | Ronald M. Gould Seattle, WA |
| 14. Jerome Farris Seattle, WA | Cynthia Holcomb Hall Pasadena, CA |
| 15. Pamela Ann Rymer Pasadena, CA | Procter Hug, Jr. Reno, NV |
| 16. Sandra S. Ikuta Pasadena, CA | Edward Leavy Portland, OR |
| 17. Andrew J. Kleinfeld Fairbanks, AK | Dorothy W. Nelson Pasadena, CA |
| 18. Michael Daly Hawkins Phoenix, AZ | Thomas G. Nelson Boise, ID |
| 19. Richard A. Paez Pasadena, CA | John T. Noonan, Jr. San Francisco, CA |
| 20. Arthur L. Alarcón Los Angeles, CA | Barry G. Silverman Phoenix, AZ |
| 21. Alfred T. Goodwin Pasadena, CA | Otto R. Skopil Portland, OR |
| 22. Sidney R. Thomas Billings, MT | A. Wallace Tashima Pasadena, CA |
| 23. Carlos T. Bea San Francisco, CA | Stephen Trott Boise, ID |
| 24. Marsha S. Berzon San Francisco, CA | |
| 25. Milan D. Smith, Jr. El Segundo, CA | Deceased: |
| 26. Raymond C. Fisher Pasadena, CA | Warren J. Ferguson Santa Ana, CA |
| 27. Jay S. Bybee Las Vegas, NV | Joseph T. Sneed, III San Francisco, CA |

Court of Appeals

The U.S. Court of Appeals for the Ninth Circuit saw its filings increase in 2008. The court reported 13,299 new appeals, up 4.8 percent from 2007. The increase, the first in three years, was due in part to an upturn in prisoner appeals.

Appellate filings nationally rose 6.1 percent from the prior year with eight of the 12 regional courts of appeal reporting increases. The Ninth Circuit continued to have the largest share of new filings, 21.6 percent of the national total.

The court terminated 12,586 appeals for the year, down 5.4 percent. Judicial panels terminated 5,527 appeals on the merits, while judges and staff disposed of 6,577 appeals before the completion of briefing because of jurisdictional defects, settlements or summary dispositions. Appellate case terminations nationally were down 12.4 percent.

Breakdown of New Appeals

Appeals of decisions from the U.S. Department of Justice's Board of Immigration Appeals, or BIA, continued to constitute the largest category of new appeals. The court received 4,355 BIA appeals in 2008, which represented 32.7 percent of the total filings.

Appeals of cases originating in the federal district courts in the circuit numbered 7,562 in 2008, an increase of 7.6 percent over the prior year. Of the appeals originating in the district courts, 5,907, or 78.1 percent, were civil in nature and 1,655, or 21.9 percent, were criminal.

Rounding out the new cases were 961 original proceedings and 165 bankruptcy appeals.

The Central District of California generated the largest number of appeals among the district courts of the Ninth Circuit. In 2008, the Central District produced 2,109 appeals, or 15.9 percent of the total filings. The Central District total was up 8.7 percent from 2007.

Six other district courts also generated more appeals in 2008. They were the District of Alaska, 122 appeals, up 37.1 percent; the Eastern District of California, 1,043 appeals, up 35.8 percent; the Eastern District of Washington, 192 appeals, up 18.5 percent; the District of Nevada, 534

appeals, up 18.4 percent; the District of Hawaii, 173 appeals, up 13.1 percent; and the Southern District of California, 537 appeals, up 12.6 percent.

Fewer appeals were reported from the District of the Northern Mariana Islands, 10 appeals, down 41.2 percent; the District of Guam, 11 appeals, down 15.4 percent; the District of Idaho, 127 appeals, down 10.6 percent; the Western District of Washington, 436 appeals, down 10.1 percent; the District of Montana, 300 appeals, down 4.5 percent; the District of Oregon, 388 appeals, down 4.4 percent; the Northern District of California, 808 appeals, down 3.0 percent; and the District of Arizona, 772 appeals, down less than 1 percent.



1 Appellate Caseload Profile, 2007-2008

	2007 Total	2008 Total	Change 2007-2008
Filings	12,685	13,299	4.8%
Terminations	13,300	12,586	-5.4%
*Pending Cases	16,883	17,596	4.2%

*Total pending cases for 2007 revised.

Appeals of criminal cases dipped 2.2 percent in 2008, to 1,655 filings from 1,692. The circuit had 11.6 percent of criminal appeals filed nationally. The most numerous criminal appeals involved drug offenses, 482 filings; criminal immigration offenses, 409 filings; property offenses, 225 filings; and firearms and explosives offenses, 182 filings. Violent offenses numbered 104, including 17 homicides.

Total civil appeals coming from the district courts numbered 5,907 in 2008, up 10.7 percent from the prior year. The federal government was either a plaintiff or defendant in 1,136 of those cases, or 19.2 percent. Private cases numbered 4,771, or 80.8 percent. Among private cases, prisoner petitions constituted the largest single category. In 2008, prisoners filed 1,906 petitions for habeas corpus, capital habeas corpus, civil rights, prison conditions and other causes. Prisoner filings constituted 32.3 percent of the civil appeals coming from the district courts.

Terminations and Pending Cases

The court terminated 12,586 appeals in 2008, down 5.4 percent from 13,300 in 2007. The number of administrative appeals terminated was 4,531, down 11.7 percent from the prior year. The court also terminated 2,158 private civil matters, up 6.9 percent; 1,941 private prisoner petitions, down 12.3 percent; and 1,737 criminal appeals, down 7.8 percent.

Of the appeals terminated, 6,577 involved procedural terminations by judges and court staff. Another 5,527 cases were terminated on the merits, 1,926 cases after oral

argument and 3,601 cases after submission of briefs. Cases disposed of by consolidation numbered 482.

Among the 5,527 cases decided on the merits, 3,924 cases, or 70.9 percent, were affirmed or enforced. The remaining 1,603 were dismissed, reversed, remanded or terminated by other means. The reversal rate was 10.8 percent.

En banc courts, used to resolve intra-circuit conflicts or other legal questions of exceptional importance, heard 19 cases in 2008.



Filings, Terminations and Pending Cases by Appeal Type, 2008

Type of Appeal	2007 Filings	2008 Filings	Change 2007-08	% of Circuit Total	2007 Terminated	2008 Terminated	Change 2007-08	2007 Pending	2008 Pending	Change 2007-08
Civil										
U.S. Prisoner Petitions	357	528	47.9%	4.0%	397	434	9.3%	319	485	52.0%
Private Prisoner Petitions	2,372	2,761	16.4%	20.8%	2,214	1,941	-12.3%	2,079	2,863	37.7%
Other U.S. Civil	656	608	-7.3%	4.6%	651	689	5.8%	860	785	-8.7%
Other Private Civil	1,950	2,010	3.1%	15.1%	2,018	2,158	6.9%	2,720	2,592	-4.7%
Criminal	1,692	1,655	-2.2%	12.4%	1,884	1,737	-7.8%	2,116	2,043	-3.4%
Other										
Bankruptcy	197	165	-16.2%	1.2%	176	178	1.1%	245	240	-2.0%
Administrative Appeals	4,625	4,611	-0.3%	34.7%	5,133	4,531	-11.7%	7,992	8,270	3.5%
*Original Proceedings	836	961	15.0%	7.2%	827	918	11.0%	230	318	38.3%
Circuit Total	12,685	13,299	4.8%		13,300	12,586	-5.4%	16,561	17,596	6.2%
National Appellate Total	57,973	61,492	6.1%		67,699	59,283	-12.4%	51,240	53,155	3.7%
Ninth Circuit as % of National Total	21.9%	21.6%	0.3%		19.6%	21.2%	-1.6%	32.3%	33.1%	0.8%

*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." Data on reopened cases for 2007 and thereafter are not comparable to data published previously on reinstated cases.



Median Time Intervals in Cases Terminated After Hearing or Submission, 2007 and 2008

By Stage of Appeal	Number of Months			
	Ninth Circuit		National	
	2007	2008	2007	2008
From Notice of Appeal to Filing Last Brief	6.4	6.5	5.9	5.8
From Filing Last Brief to Hearing or Submission	8.7	11.0	4.6	4.8
From Hearing to Final Disposition	1.2	1.3	2.0	2.1
From Submission to Final Disposition	0.2	0.3	0.5	0.7
From Filing of Notice of Appeal to Final Disposition	18.6	19.0	12.5	12.7
From Filing in Lower Court to Final Disposition in Appellate Court	38.4	38.4	28.8	30.3

Note: The subtotals do not add up to the number for total cases because total cases include original proceedings not reported separately in this table. This table does not include data for the U.S. Court of Appeals for the Federal Circuit.

The court ended the year with 17,596 pending cases, up 4.2 percent from 16,883 cases in 2007.

Median Time Intervals

Median time intervals, which measure how long it takes for cases decided on the merits to proceed through the appellate process, increased slightly for the Ninth Circuit in 2008. The median time interval from filing of a notice of appeal to final disposition of a case was 19 months in 2008, up from 18.6 months in 2007. The median time interval from the filing of a case in a lower court to final disposition by the Ninth Circuit remained at 38.4 months.

Once an appeal was fully briefed, Ninth Circuit judges decided cases fairly quickly. In 2008, the median time interval for final disposition was 1.3 months for a case in which oral arguments were heard, and .3 months for a case submitted on briefs.

National median time intervals also increased, but were shorter than those of the Ninth Circuit. National median times were 12.7 months from notice of appeal to final disposition by a circuit court of appeals, and 30.3 months from the filing of a case in a lower court to final disposition by a circuit court.

Pro Se Filings and Terminations

Pro se appeals, in which at least one party is not represented by legal counsel, continue to represent a large portion of the Ninth Circuit's appellate caseload. New *pro se* filings numbered 6,319 in 2008, up 14.9 percent from 2007. Private prisoner petitions and administrative appeals ranked first and second among categories of *pro se* filings with 2,317 and 1,679 cases, respectively.

The Ninth Circuit terminated of 3,926 *pro se* cases in 2008, most on procedural grounds.

Contributions by Active, Senior and Visiting Judges

The court ended the year with 27 active circuit judges and 21 senior circuit judges (two senior circuit judges died over the course of the year). Active circuit judges participated in 64.4 percent of the cases terminated on the merits during the year. Senior circuit judges participated in 29.1 percent, while visiting judges helped decide 6.5 percent.

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



Source of Appeals and Original Proceedings Commenced, 2008

District	Appeals	
	Total	% of Total
Alaska	122	0.9%
Arizona	772	5.8%
C. Calif.	2,109	15.9%
E. Calif.	1,043	7.8%
N. Calif.	808	6.1%
S. Calif.	537	4.0%
Hawaii	173	1.3%
Idaho	127	1.0%
Montana	300	2.3%
Nevada	534	4.0%
Oregon	388	2.9%
E. Wash.	192	1.4%
W. Wash.	436	3.3%
Guam	11	0.1%
Northern Mariana Islands	10	0.1%
Bankruptcy	165	1.2%
Administrative Agencies, Total	4,611	34.7%
IRS	58	0.4%
National Labor Relations Board	25	0.2%
BIA	4,355	32.7%
Other Administrative Agencies	173	1.3%
Original Proceedings	961	18.0%
Circuit Total	13,299	

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.



Ninth Circuit Court of Appeals Judges in Order of Seniority

Judge	Chambers Location
Alex Kozinski	Pasadena
James R. Browning	San Francisco
Alfred T. Goodwin	Pasadena
J. Clifford Wallace	San Diego
*Joseph T. Sneed, III	San Francisco
Procter Hug, Jr.	Reno
Otto R. Skopil	Portland
Mary M. Schroeder	Phoenix
Betty Binns Fletcher	Seattle
Jerome Farris	Seattle
Harry Pregerson	Woodland Hills
Arthur L. Alarcón	Los Angeles
*Warren J. Ferguson	Santa Ana
Dorothy W. Nelson	Pasadena
William C. Canby, Jr.	Phoenix
Robert Boochever	Pasadena
Stephen Reinhardt	Los Angeles
Robert R. Beezer	Seattle
Cynthia Holcomb Hall	Pasadena
Melvin Brunetti	Reno
John T. Noonan, Jr.	San Francisco
David R. Thompson	San Diego
Diarmuid F. O'Scannlain	Portland
Edward Leavy	Portland
Stephen S. Trott	Boise
Ferdinand F. Fernandez	Pasadena
Pamela Ann Rymer	Pasadena
Thomas G. Nelson	Boise
Andrew J. Kleinfeld	Fairbanks
Michael Daly Hawkins	Phoenix
A. Wallace Tashima	Pasadena
Sidney R. Thomas	Billings
Barry G. Silverman	Phoenix
Susan P. Graber	Portland
M. Margaret McKeown	San Diego
Kim McLane Wardlaw	Pasadena
William A. Fletcher	San Francisco
Raymond C. Fisher	Pasadena
Ronald M. Gould	Seattle
Richard A. Paez	Pasadena
Marsha S. Berzon	San Francisco
Richard C. Tallman	Seattle
Johnnie B. Rawlinson	Las Vegas
Richard R. Clifton	Honolulu
Jay S. Bybee	Las Vegas
Consuelo M. Callahan	Sacramento
Carlos T. Bea	San Francisco
Milan D. Smith, Jr.	El Segundo
Sandra S. Ikuta	Pasadena
N. Randy Smith	Pocatello

*Deceased 2008

District Courts

Criminal and civil cases filed in the federal district courts of the Ninth Circuit increased slightly in 2008. District courts in the circuit reported a combined 55,377 filings, up 0.5 percent from the prior year. The Ninth Circuit total represented 16.4 percent of the national district court caseload of 337,795 criminal and civil filings. Overall, national filings decreased by 7.2 percent in 2008.

Criminal Filings, Terminations and Pending Cases

Criminal filings in district courts of the circuit totaled 15,345 in 2008, up 5 percent from the prior year. Criminal filings accounted for 27.7 percent of the circuit's total district court filings. Immigration offenses were the largest category of criminal filings, numbering 6,935 and constituting 45.2 percent of the total criminal filings. Drug offenses followed with 2,929 filings, or 19.1 percent of the total.

Increases were reported in 12 of 19 categories of criminal filings (see Table 6). Categories with the largest increases were robbery, 178 filings, up 32.8 percent from 2007; property offenses, 37 filings, up 32.1 percent, and homicide, 50 filings, up 28.2 percent. Also showing increases were other immigration offenses, 2,511 filings, up 25 percent, and sex offenses, 539 filings, up 24.2 percent.

Nationwide, criminal filings (excluding transfers) numbered 72,164, up 5.3 percent from 2007. District courts of the Ninth Circuit accounted for 21.1 percent of the national criminal caseload, a slight decrease of .1 percent from last year. Immigration cases accounted for 31.9 percent of criminal cases filed nationally while drug offense cases accounted for 21.8 percent in 2008.

Nine out of 15 districts reported increases in criminal filings in 2008. The Southern District of California had the largest numerical increase, reporting 4,554 filings, up 31.8 percent from 3,455 cases the year before, followed by the Central District of California with 1,893 new cases, up 15.9 percent; the Northern District of California with 787 new cases, up 21.5 percent; and the District of Hawaii, with 555 new cases, up 30.3 percent.



5 U.S. District Courts - Total Criminal and Civil Cases Filed, Terminated, and Pending, 2008

	2007 Total	2008 Total	Change 2007-2008
Civil Filings	40,478	40,032	-1.1%
Criminal Filings	14,615	15,345	5.0%
Total Filings	55,093	55,377	0.5%
Civil Terminations	39,245	40,580	3.4%
Criminal Terminations	15,048	15,497	3.0%
Total Terminations	54,293	56,077	3.3%
*Pending Civil Cases	41,192	40,644	-1.3%
*Pending Criminal Cases	13,546	13,394	-1.1%
*Total Pending Cases	54,738	54,038	-1.3%
Civil Case Termination Index (in months)	12.6	12.0	-4.8%
*Criminal Case Termination Index (in months)	10.8	10.4	-3.7%
*Overall Case Termination Index	12.1	11.6	-4.1%
Median Months (from filing to disposition) Civil Cases	7.8	7.9	1.3%
Median Months (from filing to disposition) Criminal Defendants	6.4	6.0	-6.3%
Median Months National Total from filing to disposition) Civil Cases	8.7	8.1	-6.9%
Median Months National Total from filing to disposition) Criminal Defendants	7.0	6.7	-4.3%

Note: Median time intervals computed only for 10 or more cases and only for 10 or more defendants. Includes defendants in all felony and Class A misdemeanor cases, but includes only those petty offense defendants whose cases have been assigned to district judges. Median time intervals computed from the date case was filed to the date the defendant was either found not guilty or was sentenced.

*Revised



Ninth Circuit District Courts - Types of Criminal Cases Commenced, by Major Offense and District (Excluding Transfers), 2008

	AK	AZ	C. Calif.	E. Calif.	N. Calif.	S. Calif.	HI	ID	MT	NV	OR	E. Wash.	W. Wash.	GU	NMI	2007 Total	2008 Total	Change 2007-08	
Violent Offenses																			
Homicide	0	23	1	3	0	1	0	1	16	0	3	0	2	0	0	39	50	28.2%	
Robbery	2	10	34	12	16	15	8	2	2	12	44	2	16	3	0	134	178	32.8%	
Assault	0	78	14	7	7	19	5	7	35	7	12	2	6	0	0	283	199	-29.7%	
Other	0	15	5	10	2	2	3	2	7	6	1	4	4	0	1	66	62	-6.1%	
Property Offenses																			
Burglary, Larceny & Theft	2	65	55	49	38	5	28	7	18	9	23	5	129	16	1	603	450	-25.4%	
Embezzlement	12	16	12	9	4	3	3	3	7	2	6	4	14	2	1	79	98	24.1%	
Fraud	16	140	384	76	114	388	67	40	51	59	58	23	85	21	3	1,777	1,525	-14.2%	
Forgery & Counterfeiting	0	7	50	21	7	1	3	2	0	4	4	7	2	0	2	90	110	22.2%	
Other	0	1	1	7	1	1	3	0	2	3	5	3	10	0	0	28	37	32.1%	
Drug Offenses																			
Marijuana	1	303	17	34	4	681	11	4	4	1	19	5	67	0	0	1,238	1,151	-7.0%	
All Other Drugs	64	200	249	164	120	376	89	46	75	61	92	84	139	11	8	1,706	1,778	4.2%	
Firearms and Explosives Offenses																			
	24	162	121	90	87	45	17	56	59	66	58	62	62	11	2	901	922	2.3%	
Sex Offenses																			
	7	53	135	71	39	34	11	22	60	34	25	19	28	1	0	434	539	24.2%	
Justice System Offenses																			
	1	48	14	9	13	24	0	6	4	6	6	5	15	1	0	153	152	-0.7%	
Immigration Offenses																			
Improper Alien Reentry	2	1,794	653	294	242	978	9	87	22	104	59	155	25	0	0	3,924	4,424	12.7%	
Other	0	236	26	6	9	1,938	1	5	2	11	206	2	67	1	1	2,008	2,511	25.0%	
General Offenses																			
	1	13	33	39	16	12	10	1	18	13	16	3	53	0	1	250	229	-8.4%	
Regulatory Offenses																			
	15	57	64	20	21	22	6	10	2	3	21	4	15	5	0	294	265	-9.9%	
Traffic Offenses																			
	10	2	8	15	43	0	275	0	6	2	1	0	200	9	0	515	571	10.9%	
All Offenses Total	157	3,223	1,876	936	783	4,545	549	301	390	403	659	389	939	81	20	14,522	15,251	5.0%	

Note: This table includes all felony and Class A misdemeanor cases but includes only those petty offense cases that have been assigned to district judges.



Ninth Circuit District Courts - Weighted and Unweighted Filings Per Authorized Judgeship, 2008

District	Unweighted Filings Per Judgeship					Weighted Filings Per Judgeship					
	Authorized Judgeships	Civil	Criminal	Supervised Release Hearings	2008 Total	Civil	Criminal	Supervised Release Hearings	2008 Total	2007 Total	Change 2007-2008
Alaska	3	121	78	5.67	205	133	71	0.87	205	199	3.0%
Arizona	13	244	287	111.38	642	257	201	15.61	474	528	-10.2%
C. Calif.	28	430	98	45.18	573	496	84	6.36	586	569	3.0%
E. Calif.	6	803	238	64.17	1,106	791	204	9.01	1,004	866	15.9%
N. Calif.	14	404	69	42.64	516	521	52	5.97	579	615	-5.9%
S. Calif.	13	187	398	90.23	675	221	243	12.72	477	427	11.7%
Hawaii	4	148	158	30.75	337	192	91	4.54	288	290	-0.7%
Idaho	2	275	202	31.00	508	311	178	4.58	493	505	-2.4%
Montana	3	188	152	46.67	387	209	156	7.28	373	379	-1.6%
Nevada	7	362	72	39.43	474	424	63	6.10	493	466	5.8%
Oregon	6	350	136	58.33	545	374	115	8.25	497	558	-10.9%
E. Wash.	4	145	129	119.75	394	152	108	17.02	277	270	2.6%
W. Wash.	7	371	172	34.43	577	445	119	5.00	569	596	-4.5%
Circuit Total	110	4,028	2,189	720	6,939	4,526	1,685	103.31	6,315	6,268	0.7%
Circuit Mean	***	310	168	55.36	534	348	130	7.95	486	482	0.7%
Circuit Median	***	275	152	45.18	516	311	115	6.36	493	505	-2.4%
National Mean	***	321	138	33.17	493	354	109	4.84	468	468	0.0%

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 includes 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.

Criminal case filings decreased in the District of Guam, 81 cases, down 30.2 percent; the District of Arizona, 3,231 cases, down 20.8 percent; the District of Northern Mariana Islands, 20 cases, down 16.7 percent; the Western District of Washington, 950 cases, down 16.3 percent; the District of Montana, 392 cases, down 12.1 percent; and the District of Alaska, 169 cases, down 6.6 percent.

The district courts of the circuit terminated 15,497 criminal cases in 2008, up 3 percent from the prior year. The number of pending criminal cases decreased to 13,394, down 1.1 percent from 2007.

Civil Filings, Terminations and Pending Cases

Civil filings in the Ninth Circuit district courts declined 1.1 percent to 40,032 new cases in 2008. The circuit accounted for 15.1 percent of the 265,178 civil filings in the district courts nationally in 2008. Civil filings increased nationally by 7.8 percent over the prior year.

Private civil cases accounted for 79.3 percent of all new civil filings in district courts of the circuit. The U.S. government acted as a plaintiff or defendant in the remaining 20.7 percent of the new filings. Prisoner petitions made up 33.5 percent of all new private civil cases, up slightly from the prior year. Other major categories of new private civil filings were civil rights, 15.6 percent; contracts, 12.2 percent; and copyright, patent and trademark cases, 8.3 percent.

Among civil filings in which the government was a party, the most numerous were Social Security, which accounted for 31.5 percent; prisoner petitions, 18.4 percent; and contracts 7.2 percent.

Eight out of 15 districts in the circuit reported fewer new civil cases. The largest numerical decreases were reported by the Northern District of California, which had 5,907 filings, down 12.6 percent in 2007. The District of Oregon followed at 2,195, down 12 percent, and the District of Arizona at 3,298, down 7.7 percent.

Elsewhere in the circuit, increases in new civil filings were reported in the districts of Alaska, Eastern California, Central California, Southern California, Idaho, Nevada, and Northern Mariana Islands.

Civil case terminations in the Ninth Circuit numbered 40,580, up 3.4 percent from 39,245 in 2007. The number of pending civil cases was, down 1.3 percent from 41,192 the prior year.

Case Processing Times

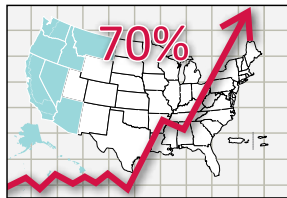
Case processing times in the district courts of the Ninth Circuit's improved in 2008. The Case Termination Index, which computes how long it would take to clear the pending caseload if the current termination rate remained constant, was 11.6 months in 2008, down from 12.1 in 2007.

The median time from filing to disposition for civil cases in the Ninth Circuit was 7.9 months, slightly longer than the 7.8 months reported in 2007. The national median time for civil cases was reduced to 8.1 months in 2008 compared with 8.7 months in 2007.

For criminal cases, the median time from filing to disposition in the Ninth Circuit was 6 months, compared to 6.4 months the year before. The national median time was 6.7 months, down 7 months in 2007. ■

Bankruptcy Courts

Bankruptcy filings in the Ninth Circuit rose 70 percent in calendar year 2008 with a total of 216,517 new cases reported. Filings were up in 14 judicial districts of the circuit, with the biggest increases reported by bankruptcy courts in California, Arizona, and Nevada. The sub-prime mortgage crisis and rising unemployment were key factors driving the upturn throughout the circuit.



The biggest increase in filings was reported by the Central District of California, which takes in seven Southern California counties with a combined population of more than 18 million. The district received 65,856 new bankruptcy filings, up 93.5 percent from the prior year. Its Chapter 7 filings totaled 49,451, up 92.7 percent, while Chapter 13 filings reached 15,611, an increase of 94.8 percent.

Case filings have been increasing steadily in the Eastern District of California, whose jurisdiction includes areas hit hard by the subprime crisis. From 2004 to 2007, the district experienced the third highest percentage increase in the nation, according to the Administrative Office of the United States Courts. Bankruptcy filings in the Eastern District of California jumped 78.1 percent with 32,154 new cases.

The District of Arizona experienced an 78.9 percent increase with 19,532 filings compared to 10,920 filings the previous year. Chapter 7 filings totaled 15,535, up 86.6 percent, while Chapter 13 filings increased 52.7 percent with 3,586 new cases.

In Nevada, another of the states hit hard by the sub-prime mortgage crisis, the bankruptcy court reported 18,716 new filings, up 70.9

percent from calendar year 2007. Chapter 7 filings jumped 93.5 percent with 13,039 new cases, while Chapter 13 filings totaled 5,489, an increase of 33.7 percent.

Nevada has had one of highest foreclosures rates in the nation for the past two years. Heavily dependent on tourism, its unemployment rate has risen as casinos and other visitor destinations lay off staff. Lack of financing has stalled construction of major developments and several large casinos are reported to be in financial difficulties.

Bankruptcy Judge Gregg Zive of Reno, current president of the National Conference of Bankruptcy Judges, sees a clear corollary



Business and Non-Business Bankruptcy Cases Commenced, by Chapter of the U.S. Bankruptcy Code, 2008

Caseload Measure	2007	2008	Change 2007-2008
Filings			
Business Chapter 7	3,705	6,945	87.4%
Business Chapter 11	1,009	1,819	80.3%
Business Chapter 12	36	41	13.9%
Business Chapter 13	594	774	30.3%
Non-Business Chapter 7	88,128	157,037	78.2%
Non-Business Chapter 11	189	315	66.7%
Non-Business Chapter 13	33,726	49,570	47.0%
*Circuit Total	127,392	216,517	70.0%
Terminations	125,713	162,761	29.5%
**Pending Cases	143,634	197,390	37.4%

*Chapter 15 was added and section 304 was terminated by changes in the bankruptcy laws effective October 17, 2005.

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

Calendar Year 2007: Central Calif. (Chapter 9 = 1 and Chapter 15 = 1); Eastern Calif. (Chapter 15 = 1); Northern Calif. (Chapter 9 = 1); and Arizona (Chapter 15 = 1); Central Calif. (Chapter 9 = 1 and Chapter 15 = 1); Eastern Calif. (Chapter 15 = 3); Northern Calif.

Calendar Year 2008: Central Calif. (Chapter 15 = 3); Eastern Calif. (Chapter 9 = 1); Nevada (Chapter 15 = 2); Western Wash. (Chapter 9 = 1 and Chapter 15 = 9)

**Pending cases for 2007 revised.

between depressed real estate values and bankruptcy filings.

“Those districts with the highest filings are in areas which had the greatest appreciation in real estate values and subsequently the greatest depreciation. There is an analogue there,” Judge Zive said.

Bankruptcy filings in the Southern District of California surged with 14,017 filings, up 76.6 percent, the highest annual filings since 1999 (excluding the flood of filings that preceded bankruptcy reform in 2005). Chapter 7 filings totaled 11,799, up 88 percent, while Chapter 13 filings also increased 31.6 percent with 2,139 total filings.

The Northern District of California reported a total of 21,196 filings, an increase of 68.2 percent the previous year with 12,599 cases. Chapter 7 filings jumped 94.3 percent with 14,144 new cases reported, while Chapter 13 filings were up 32.6 percent with 6,794 total filings. The court’s four divisions in San Francisco, San Jose, Oakland and Santa Rose all reported increases.

The District of Hawaii reported a total of 2,087 bankruptcy filings for 2008, an increase of 50.6 percent from the previous year with 1,386 cases. Chapter 7 filings were up 46.8 percent, while Chapter 13 filings also increased 68.3 percent with 436 total cases.

Bankruptcy filings in the Western District of Washington showed a 44.8 percent increase with 16,252 cases. Filings in Seattle totaled 6,380 and Tacoma with 5,059 cases. Chapter 7 filings totaled 11,413 cases, up 49.1 percent from 2007. Chapter 13 filings increased 34.9 percent with 4,707 cases reported in 2008.

The District of Idaho followed suit in the increase of filings in the circuit. The district reported a total of 5,300 filings, an increase of 38.1 percent compared to the prior year with 3,838 cases. Chapter 7 filings totaled 4,450 cases while Chapter 13 filings totaled 815 cases. The court’s Boise division received more than two-thirds of the filings.

Bankruptcy filings in the District of Oregon totaled 12,802, up 36.4 percent from the prior year with 9,386 cases. Chapter 7 filings made up 74.6 percent of the total



Ninth Circuit Bankruptcy Courts Total Filings, 2008

District	2007 Total	2008 Total	Change 2007-2008
Alaska	697	891	27.8%
Arizona	10,920	19,532	78.9%
C. Calif.	34,028	65,856	93.5%
E. Calif.	18,052	32,154	78.1%
N. Calif.	12,599	21,196	68.2%
S. Calif.	7,936	14,017	76.6%
Hawaii	1,386	2,087	50.6%
Idaho	3,838	5,300	38.1%
Montana	1,879	1,968	4.7%
Nevada	10,953	18,716	70.9%
Oregon	9,386	12,802	36.4%
E. Wash.	4,344	5,583	28.5%
W. Wash.	11,224	16,252	44.8%
Guam	133	151	13.5%
NMI	17	12	-29.4%
Circuit Total	127,392	216,517	70.0%

filings with 9,551 cases, while Chapter 13 filings made up 24.9 percent with 3,184 total filings.

While the increase in Oregon was more modest than some places, the worst may be yet to come. The state’s unemployment was running 9 percent in December, the highest in more than 23 years and up from 5.5 percent in June of last year. Judges are hearing frequently that a debtor has lost a job, had work hours reduced, or lost a job and become re-employed at a lower rate of pay.

The Districts of Alaska, Montana, and Eastern Washington also experienced increase in filings for calendar year 2008. The District Alaska reported a total of 891 filings, up 27.8 percent; the Eastern District of Washington with 5,583 cases, an increase of 28.5 percent; and the District of Montana with 1,968 filings, also up 4.7 percent the prior year.

The only district reporting a decrease is the District of Northern Mariana Islands with 12 total filings, down 29.4 percent last year with only 17 reported cases. ■

Bankruptcy Appellate Panel

The Ninth Circuit Bankruptcy Appellate Panel, or BAP, operates under the authority of the Judicial Council of the Ninth Circuit. It is authorized seven bankruptcy judges who serve seven-year terms, renewable for an additional three-year term. Since 2003, one seat on the BAP has been left vacant intentionally due to reduced workload based on new filings. In their appellate capacity, BAP judges are precluded from hearing matters arising from their own districts.

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. Historically, the BAP has heard between 49 percent and 60 percent of the appeals filed each year.

New Filings

In the 2008 calendar year, 542 new appeals were filed. The BAP received 49 percent of those filings, while the district courts had 51 percent. Bankruptcy appeal filings have been steadily declining from a seven-year high of 904 in 2002. The trend may be ending in light of the significant upturn in bankruptcy filings last year. Table 10 shows bankruptcy appeal filings by district for 2008.



New Bankruptcy Appeal Filings, 2008

District	Bankruptcy Appellate Panel	*District Court	Total
Alaska	0	2	2
Arizona	27	26	53
C. Calif.	105	115	220
E. Calif.	34	24	58
N. Calif.	34	32	66
S. Calif.	6	18	24
Hawaii	2	3	5
Idaho	3	2	5
Montana	4	7	11
Nevada	16	21	37
Oregon	7	8	15
E. Wash.	1	2	3
W. Wash.	26	17	43
Totals	265 (49%)	277 (51%)	542

*The 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 heard in the district court (both appellant and appellee elections). The BAP numbers exclude all such appeals.

The Ninth Circuit Bankruptcy Appellate Panel consists of, seated from left, Bankruptcy Judges Jim D. Pappas of the District of Idaho, Dennis Montali of the Northern District of California (chair of the BAP), Randall L. Dunn of the District of Oregon; and, standing from left, Bankruptcy Judges Meredith A. Jury of the Central District of California, Bruce A. Markell of the District of Nevada, and Eileen W. Hollowell of the District of Arizona.

Dispositions

The BAP disposed of 372 appeals in 2008. Of those, 117 appeals were terminated on the merits. Oral argument was held in 105 appeals, and 12 appeals were submitted on briefs. Of the 117 merits decisions, 19 resulted in published opinions. The reversal rate was 5.1 percent. Median time from submission to decision for an appeal decided on the merits was 7.9 months, down from 8.9 months in 2007.

The remaining 255 appeals were terminated on procedural grounds, such as for lack of prosecution, lack of jurisdiction and consolidation, or based on voluntary dismissal. The BAP ended the period with 125 appeals pending.

Appeals to the Ninth Circuit

Appeals from a decision of either the BAP or a district court may be filed with the Ninth Circuit Court of Appeals for second-level appellate review. In 2008, 164 second-level appeals were filed; 63 were appeals of BAP decisions by the BAP, 101 were from district court decisions. Thus, of the 372 appeals that were disposed of by the BAP, roughly 83 percent were fully resolved, with only about 17 percent seeking second-level review. ■■

Magistrate Judge Matters

In federal district courts, magistrate judges assist district judges in a wide range of judicial matters. Magistrate judges preside over preliminary proceedings and jurisdictional matters, some criminal and civil cases, and various other criminal and civil hearings. They also review prisoner petitions.

In the Ninth Circuit, 96 full-time and 12 part-time magistrate judges made significant contributions to the work of their courts in 2008. They disposed of a combined 183,470 judicial matters during the year, up 3.1 percent from 2007. Increases were reported in 17 categories, led by criminal pretrial conferences, which jumped 92.3 percent from 2007. Petty offenses for trial jurisdiction cases were up 34.1 percent from the prior year, while criminal evidentiary proceedings increased 31.7 percent. Decreases were seen in 15 categories including criminal motions, down 43.8 percent, Class A misdemeanors for trial jurisdiction cases, down 38.3 percent, and bail reviews/*Nebbia* proceedings, down 33 percent.

Magistrate judges issued 1,519 more arrest warrants and summonses, up 27.5 percent from the year before. They

also issued 1,222 more search warrants, an increase of 15.8 percent from 2007. State habeas petitions were up 13.3 percent from the year before and accounted for 52.2 percent of all prisoner petitions.

New Magistrate Judges and Governance

Six new magistrate judges were sworn into office over the course of the year. They were John V. Acosta of the District of Oregon, Ronald E. Bush and Candy W. Dale of the District of Idaho, Douglas Thomas Ferraro, Jr., of the District of Arizona, James P. Hutton of the Eastern District of Washington, and Brian A. Tsuchida of the Western District of Washington.

Magistrate Judge Karen L. Strombom of the Western District of Washington was seated as the chair of the Magistrate Judges Executive Board. She succeeded Magistrate Judge Anthony J. Battaglia of the Southern District of California in July 2008. Judge Strombom serves as an official observer at meetings of the Judicial Council of the Ninth Circuit. Judge Strombom's term as chair of the board expires in July 2011. Magistrate Judge Janice M. Stewart of the District of Oregon serves as vice-chair,



The Magistrate Judges Executive Board consists of, seated from left, Judges James L. Larson (CAN), Leslie E. Kobayashi (HI), Anthony J. Battaglia (CAS), Robert A. McQuaid, Jr. (NV), and Stephen J. Hillman (CAC). Standing from left, Judges Karen L. Strombom (WAW), Deborah M. Smith (AK), David K. Duncan (AZ), Larry M. Boyle (ID), Janice M. Stewart (OR), Gregory G. Hollows (CAE), and Joaquin V.E. Manibusan (GU). Not pictured: Cynthia Imbrogno (WAE), Kevin S. C. Chang (HI), Candy W. Dale (ID), and Nita L. Stormes (CAS).



Matters Disposed of by Ninth Circuit Magistrate Judges
 Period: 12 Months Ending September 30, 2008

Activity	2007 Total	2008 Total	Change 2007-2008
Total Matters	177,890	183,470	3.1%
Preliminary Proceedings	80,158	79,112	-1.3%
Search Warrants	7,730	8,952	15.8%
Arrest Warrants/Summonses	5,529	7,048	27.5%
Initial Appearances	24,587	22,093	-10.1%
Preliminary Examinations	5,693	4,734	-16.8%
Arraignments	13,987	15,245	9.0%
Detention Hearings	13,642	12,278	-10.0%
Bail Reviews/Nebbia Hearings	2,900	1,942	-33.0%
Other ⁵	6,090	6,820	12.0%
Trial Jurisdiction Cases	21,617	27,713	28.2%
Class A Misdemeanors	1,764	1,089	-38.3%
Petty Offenses	19,853	26,624	34.1%
Civil Consent Cases	2,459	2,794	13.6%
Without Trial	2,398	2,737	14.1%
Jury Trial	37	37	0.0%
Nonjury Trial	24	20	-16.7%
Additional Duties			
Criminal	28,159	27,563	-2.1%
Motions 636(b)(1)(A) ¹	11,968	9,384	-21.6%
Motions 636(b)(1)(B)	648	364	-43.8%
Evidentiary Proceedings	164	216	31.7%
Pretrial Conferences ²	2,621	5,039	92.3%
Probation Revocation and Supervised Release Hearings	1,034	729	-29.5%
Guilty Pleas	6,771	7,183	6.1%
Other ³	4,953	4,648	-6.2%
Civil	29,544	29,475	-0.2%
Settlement Conferences	3,193	3,165	-0.9%
Other Pretrial Conferences ²	4,048	3,948	-2.5%
Motions 636(b)(1)(A) ¹	16,176	16,462	1.8%
Motions 636(b)(1)(B)	1,144	1,168	2.1%
Evidentiary Proceedings	24	28	16.7%
Social Security	735	673	-8.4%
Special Masterships	107	111	3.7%
Other ⁴	4,117	3,920	-4.8%
Prisoner Petitions	5,723	6,274	9.6%
State Habeas	2,892	3,278	13.3%
Federal Habeas	359	376	4.7%
Civil Rights	2,397	2,570	7.2%
Evidentiary Proceedings	75	50	-33.3%
Miscellaneous Matters⁶	10,230	10,539	3.0%

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

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

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

4 Category includes fee applications, summary jury trials, and motion hearings. Beginning in 2006, early neutral evaluations were added.

5 Category includes material witness hearings and attorney appointment hearings.

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

succeeding Magistrate Judge Leslie E. Kobayashi of the District of Hawaii.

The Magistrate Judges Executive Board also participated in the orientation of new magistrate judges and held a roundtable discussion after their April meeting in San Francisco. The new members of the board in 2008 include Magistrate Judges Kevin S. C. Chang of Honolulu, Candy W. Dale of Boise, and Nita L. Stormes of San Diego.

Educational Programs

A Pretrial and Misdemeanor Sentencing Institute sponsored by the Magistrate Judges Executive Board was held in San Diego on November 5-7, 2008. Chaired by Magistrate Judge Anthony J. Battaglia, the program was modeled after the Sentencing Institute offered to Article III judges by the Federal Judicial Center. Cosponsors

included the FJC, the Federal Bureau of Prisons, the U.S. Detention Trustee, the U.S. Sentencing Commission, and the U.S. Probation and U.S. Pretrial Services Offices for the Southern District of California.

At the 2008 Ninth Circuit Judicial Conference in Sun Valley, Idaho, the Magistrate Judges Education program featured a panel discussion of issues faced by courts in applying electronic discovery (eDiscovery) rules. Panelists included Magistrate Judge William McCurine, Jr., of the Central District of California; Adam S. Bendell, president of Strategic Discovery, Inc.; Michael Kelleher, litigation partner at Folger Levin & Kahn; and Kimberly A. Udovic, senior counsel at Honda. From the perspective of the attorney, vendor, client and judge, the panel delved deeper into the eDiscovery process with the goal of providing more clarity into the practical realities from the perspectives presented. ■■

Federal Public Defenders

Bucking the national trend, federal public defenders and community defenders in the Ninth Circuit reported opening more new cases in fiscal year 2008 than the prior fiscal year. Defenders in 11 of 14 judicial districts of the Ninth Circuit reported more new cases with Alaska, Hawaii and Nevada reporting the highest percentage increases. While the number of new defender cases nationally declined by 6.3 percent, Ninth Circuit defenders reported an increase of 3.6 percent, opening 29,700 new cases.

The Ninth Circuit had 22.5 percent of the new cases opened nationally, down from 28.8 percent in FY 2007. Ninth Circuit defenders closed 29,233 cases, an increase of 3.5 percent from the prior year.

New case openings varied in the circuit's two border courts. In the Southern District of California, defenders opened 5,840 new cases in FY 2008, up 17.3 percent from 4,980 in FY 2007. The District of Arizona, meanwhile, reported 8,912 cases opened, down 11.9 percent from 10,121 new cases the prior fiscal year. Of Arizona's new cases, 7,785 or 87.4 percent of the total were criminal in nature, many of them involving illegal immigration.

The top five districts with the largest increase in number of cases opened were the Central District of California, 3,724 new cases, up 15.4 percent; the Eastern District of California, 2,230 new cases, up 12.5 percent; the District of Oregon, 1,737 new cases, up 11.8 percent; the Northern District of California, 1,050 new cases, up 12.4 percent; and the District of Nevada, 1,176 new cases, up 18 percent.

Joining Arizona in reporting decreases from the prior fiscal year were the District of Guam, 119 new cases, down 41.1 percent, and the District of Idaho, 266 new cases, down 11.3 percent.

Circuit caseloads have varied over the last six years with increases reported in 2004, 2006, 2007, and 2008, and decreases in 2003 and 2005.

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



Federal Defender Organizations - Cases Opened, Closed and Pending
Period: 12 Months Ending September 30, 2008

Cases	2004	2005	2006	2007	2008	Change 2007-2008
Opened	54,543	23,157	25,779	28,676	29,700	3.6%
Closed	24,215	22,979	25,795	28,253	29,233	3.5%
Pending	8,287	8,460	8,471	8,880	9,340	5.2%

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

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

Pending and Closed Cases

The pending caseload of Ninth Circuit federal public and community defenders was 9,340 cases, up 5.2 percent the prior fiscal year.

Reappointment

By statute, judges of the circuit 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 2008, the U.S. Court of Appeals for the Ninth Circuit reappointed the following federal public defenders:

- Richard Curtner, reappointed to a fourth term for the District of Alaska on January 2 and has served as the FPD in Alaska since 1996;
- Steven Wax, reappointed to a seventh term for the District of Oregon on January 20 and has served as the FPD in Oregon since 1983;

- Barry Portman, reappointed to a sixth term for the Northern District of California on May 19 and has served as the district's FPD since 1988;
- Peter Wolff, reappointed to a fourth term for the District of Hawaii on July 15 and has served as the FPD in Hawaii since 1996; and
- Jon Sands, reappointed to a second term for the District of Arizona on August 30 and has served as the district's FPD since 2004. ■



13 Federal Defender Organizations - Summary of Representations by District
 Period: 12 Months Ending September 30, 2008

District	Opened Sept. 30, 2007	Opened Sept. 30, 2008	Change 2007-2008	Closed Sept. 30, 2008	Pending Sept. 30, 2008
Alaska	277	364	31.4%	346	136
Arizona	10,121	8,912	-11.9%	8,968	1,088
C. Calif.	3,227	3,724	15.4%	3,569	1,536
E. Calif.	1,983	2,230	12.5%	2,040	1,009
N. Calif.	934	1,050	12.4%	983	442
*S. Calif.	4,980	5,840	17.3%	5,887	1,599
Guam	202	119	-41.1%	106	71
Hawaii	481	583	21.2%	569	477
*Idaho	300	266	-11.3%	239	164
*Montana	678	694	2.4%	682	293
Nevada	997	1,176	18.0%	1,125	683
Oregon	1,554	1,737	11.8%	1,664	1,007
*E. Wash.	812	835	2.8%	839	276
W. Wash.	2,130	2,170	1.9%	2,216	559
Circuit Total	28,676	29,700	3.6%	29,233	9,340
National Total	99,503	132,117	32.8%	123,741	45,064
Circuit Total as % of National Total	28.8%	22.5%	-6.3%	23.6%	20.7%

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

Probation Officers

United States probation officers prepare pre-sentence investigation reports on convicted offenders, and supervise offenders who are placed on probation, supervised release, parole, and conditional release. There are 835 probation officers and other probation staff in the Ninth Circuit, working under the direction of their chief probation officers and respective district courts. They have a significant role in the federal criminal justice system.

As part of the pre-sentence process, probation officers conduct an independent investigation of the offense conduct, identify applicable guidelines and policy statements, calculate the defendant's offense level and criminal history category, report the resulting sentencing range, and identify factors relevant to the appropriate sentence.

In the area of supervision, probation officers establish supervision plans and make use of numerous programs to facilitate an offender's successful supervision. In the Ninth Circuit, probation officers perform their duties in a variety of setting, from courthouses in large metropolitan areas to one-person offices in rural areas. Probation officers in the circuit exemplify the highest ideals and standards in community corrections and are recognized nationally for delivering the highest quality services.

Offenders Under Supervision

The Ninth Circuit experienced a slight increase in the number of persons under post-conviction supervision. In fiscal year 2008, there were 20,241 persons under supervision, up 1.6 percent from 19,929 in FY 2007. The circuit accounted for 16.8 percent of the national total of 120,676 persons under supervision.

Among persons under supervision in the Ninth Circuit, 4,117 were on probation from the courts, while 16,124 were on supervised release from institutions. Another 317 persons were on parole and 10 in the custody of the Bureau of Prisons.

The Central District of California with 5,493 cases and the District of Arizona with 3,146 cases had the most

persons under supervision. The District of Guam reported the greatest increase in supervision percentage-wise, up 16.8 percent with 113 cases. The Northern District of California followed with 1,463 cases, up 9.5 percent from 1,336 cases the prior fiscal year.

Five judicial districts in the Ninth Circuit reported decreases in the number of persons under supervision. The District of the Northern Mariana Islands reported 33 cases, down 15.4 percent, followed by the District of Montana with 606 cases, down 3.7 percent. Although the

Central District of California had the highest number of persons under supervision, its total cases declined by 2.1 percent. The District of Oregon with 1,048 cases was down 4.2 percent, while the District of Nevada with 1,190 cases decreased by .3 percent.

Drug offenders comprised the largest group of persons under supervision both in the Ninth Circuit and nationally. In fiscal year 2008, persons who were under supervision in the Ninth Circuit for drug violations totaled 7,925, an increase of 2.2 percent from 7,758 in FY 2007. Drug cases accounted for 39.2 percent of persons under supervision in the circuit. The next largest category of offenders was property violations with 4,876 persons under supervision or 24.1 percent of the total. This category includes data previously reported as burglary, larceny, embezzlement, fraud, auto theft, forgery and counterfeiting, and postal laws.

Cases Revoked

In FY 2008, Ninth Circuit cases that were revoked and closed after post-conviction supervision numbered 2,797, a slight increase of .9 percent from FY 2007. Of the revocations, 252 were from courts and 2,492 from



14 Ninth Circuit Federal Probation System
Persons Under Post-Conviction Supervision
Period: 12 Months Ending September 30, 2008

Persons Under Supervision	2007	2008	Change 2007-2008
From Courts	4,235	4,117	-2.8%
From Institutions	15,694	16,124	2.7%
Total	19,929	20,241	1.6%

District	From Courts	Referred by Institutions			2007 Total Cases	2008 Total Cases	Change 2007-2008
	Probation ¹	Supervised Release	Parole ²	BOP Custody ³			
Alaska	89	220	2	0	304	311	2.3%
Arizona	690	2,423	31	2	3,137	3,146	0.3%
C. Calif.	1,148	4,267	78	0	5,609	5,493	-2.1%
E. Calif.	328	1,240	23	0	1,554	1,591	2.4%
N. Calif.	399	1,030	34	0	1,336	1,463	9.5%
S. Calif.	209	1,840	19	0	1,914	2,068	8.0%
Hawaii	114	702	8	0	804	824	2.5%
Idaho	113	308	4	0	407	425	4.4%
Montana	120	482	4	0	629	606	-3.7%
Nevada	275	850	65	0	1,193	1,190	-0.3%
Oregon	234	790	24	0	1,070	1,048	-2.1%
E. Wash.	44	419	3	0	434	466	7.4%
W. Wash.	283	1,086	20	0	1,338	1,389	3.8%
Guam	68	113	2	5	161	188	16.8%
NMI	3	27	0	3	39	33	-15.4%
Circuit Total	4,117	15,797	317	10	19,929	20,241	1.6%

1 Includes judge and magistrate judge probation
 2 Includes parole, special parole, mandatory release, and military parole
 3 BOP (Bureau of Prisons)

institutions. Nationwide, total cases revoked and closed was 13,459 cases, down 1.9 percent in FY 2007. The Ninth Circuit had 20.8 percent of all cases revoked nationally.

Early Terminations

Since 2002, the Committee on Criminal Law of the Judicial Conference of the United States has encouraged officers to identify offenders who qualify for early termination. In general, when the conditions of supervision have been met and the offender does not pose a foreseeable risk to public safety or any individual third party, the probation officer may request the sentencing judge to consider early termination.

During FY 2008, a total of 1,301 cases were terminated early by judges in the Ninth Circuit. The District of

Arizona led with 323 cases or 24.8 percent of the total early terminations. The Central District of California had 197 early terminations or 15.1 percent, followed by the Eastern District of California with 158 cases or 12.1 percent. The circuit average was 6.7 percent, down slightly from 7.2 percent in 2008.

Of Note

- Chief Probation Officer Richard Crawford of the U.S. Probation Office for the District of Hawaii received the 2008 Director’s Award for Outstanding Leadership. Chief Crawford’s district



utilizes cognitive behavioral therapy in conjunction with an electronic journaling system for offenders. In addition, he pioneered satellite drug screening and reporting stations in remote areas of the islands of Hawaii. Chief Crawford has been the chief probation officer for the district since 2005. He received his bachelor's degree from Moorhead State University in Moorhead, Minnesota, and his master's degree from Fordham University in Bronx, New York.

- Information Systems Manager
George W. Hoggan of the U.S. Probation Office for the Southern District of California received the 2008 Director's Award for Excellence in Court Operations (Court Technology) for developing the Probation and Pretrial Services Case Tracking



System (PACTS) Document Imaging Module (PDIM). The module creates electronic access to key case documents and allows officers to access documents from any location, saving time, money and space. Mr. Hoggan was the first systems manager for the probation office in Southern District of California. He received his bachelor's degree from Brigham Young University in 1980. ■■

Pretrial Services Officers

United States pretrial services officers working in the Ninth Circuit have key roles in the judicial system. Officers prepare bail reports that help judges decide whether to detain or release a defendant prior to trial, and they monitor and supervise those defendants who have been released. In addition, pretrial services officers recommend eligibility for and supervision of diversion programs in each district.

The primary mission of pretrial services officers is to assist in the fair administration of justice, to protect the community, and to bring about a long-term positive change in individuals who are under supervision. To achieve these goals, officers work diligently to ensure that defendants appear for court as required and are not re-arrested while awaiting trial. Officers are professionally trained, utilize contracted services for treatment of substance abuse and mental health problems, and make use of advanced technology.

Pretrial services offices in the Ninth Circuit ranked first nationally in new cases last year. Case activations totaled 26,898 in 2008, an increase of 10.6 percent from 2007. New case activations nationwide totaled 100,431, up 4.6 percent from the previous year. The Ninth Circuit accounted for 26.8 percent of the national total, up from 25.3 percent in 2007.

Pretrial services offices in 11 of 15 judicial districts reported increases in case activations. The Southern District of California, a border court with a heavy immigration caseload, led with an increase of 22.7 percent, 7,557 cases compared to 6,159 cases in 2007. Also reporting increases were the Central District of California, up 20.8 percent with 3,070 case activations compared to 2,542 cases in 2007; the Northern District of California with 1,031 new cases, up 18.8 percent from 2007; and the Eastern District of California, with 1,299 case activations, up 15 percent from 1,130 activations the year before.

Four districts reported fewer new cases. The District of Guam had 114 new cases in 2008, down 8.8 percent; the District of Montana, 503 new cases, down 4.4; the District of Hawaii, 366 new cases, down 3.4 percent; and the District of Arizona, 8,719 new cases, down slightly by .6 percent.



16 Pretrial Services - Cases Activated in Ninth Circuit Courts, 2008

Caseload Measure	2007	2008	Change 2007-2008
*Reports	23,569	25,896	9.9%
Interviews	9,983	10,695	7.1%
Cases Activated	24,326	26,898	10.6%

*Includes prebail reports with and without recommendation, and includes types of reports categorized in previous periods as "other reports."

Pretrial Bail Interviews, Supervised Defendants

The number of interviews conducted by officers of pretrial defendants in the circuit increased in 2008. Interviews totaled 10,695 up 7.1 percent from 9,983 reports in 2007. Pre-bail written reports increased to 25,896 from 23,569, and post-bail reports also increased to 630 from 494 the year before.

Pretrial services officers made recommendations to the court in 94.1 percent of cases with interviews, compared to the national average of 87 percent. Detention was recommended in 62.1 percent of all cases in 2008, an increase of 1 percent from 2007. In comparison, offices of the United States attorneys in the circuit recommended detention in 93.2 percent of the cases, a spike from 63 percent in 2007.

During 2008, a total of 5,772 defendants in the Ninth Circuit were released from custody to pretrial services supervision, six defendants less than the 2007 total. Of these, 4,508 were released on standard pretrial services supervision, a decrease of 1.3 percent from 2007; 1,084 were supervised on a courtesy basis from another district or circuit, up 5.6 percent; and 180 were on pretrial diversion caseloads, a decrease of 1.1 percent.

Nonappearance and Re-Arrest Rates Remain Low

The rate of bail revocations due to nonappearance and/or re-arrest of supervised defendants continued to be significantly low in 2008. The rate of nonappearance in the circuit stayed at 0.5 percent. The 15 district courts of the Ninth Circuit revoked the bail of 182 defendants who absconded from supervision.

Violations

Of 16,200 cases in release status in 2008, 1,542 had violations reported to the court. They include 98 violations for felony re-arrest, 92 for misdemeanor re-arrest, 68 for other re-arrest violations, and 86 for failure to appear. Technical violations, which include positive urine tests for illegal substances, violation of electronic monitoring conditions, possession of contraband, and failure to report to officer, accounted for the remainder of the 1,142 reported violations. ■

17 Pretrial Workload Chart, 2008

District	Defendant Contact		Written Reports			Total Cases Activated 2007	Total Cases Activated 2008	Change 2007-2008
	Interviewed	*Not Interviewed	**Prebail	Postbail & Other	No Reports Made			
Alaska	83	162	235	0	10	219	245	11.9%
Arizona	1,194	7,525	8,660	32	27	8,771	8,719	-0.6%
C. Calif.	1,817	1,253	3,044	15	11	2,542	3,070	20.8%
E. Calif.	558	741	1,271	28	0	1,130	1,299	15.0%
N. Calif.	349	682	735	295	1	868	1,031	18.8%
S. Calif.	4,344	3,213	7,422	117	18	6,159	7,557	22.7%
Hawaii	264	102	366	0	0	379	366	-3.4%
Idaho	388	1	385	0	4	359	389	8.4%
Montana	259	244	482	15	6	526	503	-4.4%
Nevada	425	311	728	5	3	686	736	7.3%
Oregon	271	599	859	1	10	813	870	7.0%
E. Wash.	140	408	227	82	239	462	548	18.6%
W. Wash.	505	917	1,345	40	37	1,260	1,422	12.9%
Guam	77	37	109	0	5	125	114	-8.8%
NMI	21	8	28	0	1	27	29	7.4%
Circuit Total	10,695	16,203	25,896	630	372	24,326	26,898	10.6%
National Total	64,482	35,949	92,988	4,664	2,779	95,980	100,431	4.6%
Circuit % of National	16.6%	45.1%	27.8%	13.5%	13.4%	25.3%	26.8%	1.4%

*Includes 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.

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

Juror Utilization

18 Juror Utilization, 2007-2008

District	Grand Juries Empaneled, 2008	Grand Juries Selected, 2008	Petit Juror Utilization Rate Percent Not Selected or Challenged*		
			2007	2008	Change 2007-2008
Alaska	3	32	22.7	33.5	47.6
Arizona	13	93	34.7	32.1	-7.5
C. Calif.	26	166	54.3	58.3	7.4
E. Calif.	10	97	42.9	41.4	-3.5
N. Calif.	7	49	41.6	47.6	14.4
S. Calif.	8	116	45.0	43.8	-2.7
Hawaii	5	27	36.9	34.2	-7.3
Idaho	6	22	22.2	42.7	92.3
Montana	4	65	32.3	27.9	-13.6
Nevada	4	41	58.0	56.5	-2.6
Oregon	8	47	16.4	43.5	165.2
E. Wash.	3	21	37.6	50.6	34.6
W. Wash.	4	52	35.8	31.4	-12.3
Guam	2	7	36.1	49.5	37.1
NMI	2	3	41.1	52.3	27.3
Circuit Total	105	838	***	***	
Circuit Average	7	56	37.2	43.0	15.6
National Average	8	63	36.8	37.9	3.0

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

*Includes jurors who completed pre-screening questionnaires or were in the courtroom during the conducting of voir dire but were not selected or challenged. Also includes jurors, not selected or challenged, who were not called to the courtroom or otherwise did not participate in the actual voir dire.

Court Interpreters



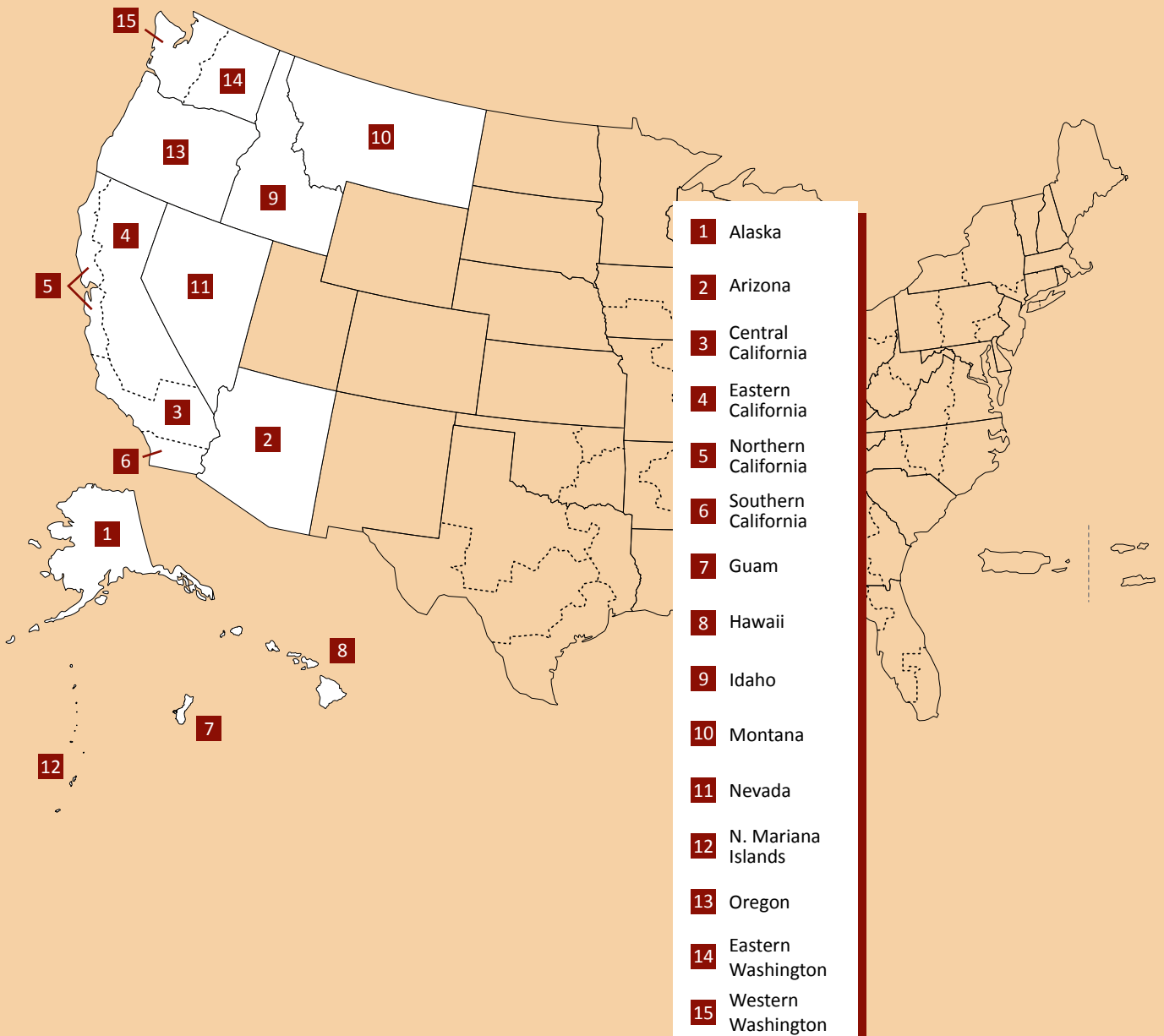
Interpreter Usage by Court Unit for District Courts Period: 12 Months Ending September 30, 2008

Languages	AK	AZ	C. Calif.	E. Calif.	N. Calif.	S. Calif.	HI	ID	MT	NV	OR	E. Wash.	W. Wash.	GU	NMI	Total
Arabic	0	6	58	6	10	9	0	0	0	0	0	0	0	0	0	89
Armenian	0	0	126	25	0	0	0	0	0	0	2	0	0	0	0	153
Cantonese	0	2	97	63	94	6	0	3	0	0	67	0	0	0	5	337
Farsi	0	1	144	0	14	0	0	0	0	0	0	0	0	0	0	159
Japanese	0	0	17	0	0	1	0	5	0	0	0	0	0	0	0	23
Korean	0	2	114	1	57	4	66	20	1	0	1	0	1	3	25	295
Mandarin	0	8	155	1	53	40	26	6	0	0	9	0	0	0	19	317
Navajo (Certified)	0	61	0	0	0	0	0	0	0	0	0	0	0	0	0	61
Navajo (Non-Certified)	0	21	0	0	0	0	0	0	0	0	0	0	0	0	0	21
Russian	0	0	31	19	11	1	0	0	0	0	0	0	1	5	12	80
Sign (American)	3	0	5	20	1	24	0	0	0	0	6	0	0	2	6	67
Sign (Mexican)	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	4
Spanish Staff	71	41,454	1,554	1,134	406	19,562	0	0	0	0	863	0	0	0	0	65,044
Spanish (Certified)	5	2,487	4,634	1,330	1,101	766	0	14	81	1	51	0	1,204	514	559	12,747
Spanish (Non-Certified)	0	36	0	12	0	0	1	139	348	101	232	0	124	187	31	1,211
Tagalog	2	0	28	8	14	1	1	8	0	0	1	0	0	0	3	66
Vietnamese	2	0	201	95	73	26	2	1	0	0	0	0	11	16	137	564
All Others	1	567	115	85	56	60	4	21	0	4	26	0	4	28	72	1,043
Subtotal	84	44,645	7,279	2,799	1,890	20,504	100	217	430	106	1,258	0	1,345	755	869	82,281
Document Translations	0	3278	146	77	1	162	0	0	0	0	25	0	4	301	1	3995
Individual Orientation	0	14	50	92	0	18	0	0	0	0	4	0	0	0	0	178
Orientation Workshop	0	5	0	0	0	0	0	0	0	0	1	0	0	0	0	6
Telephone Interpreting	79	8	15	1	0	4	0	0	1	0	0	0	0	1	0	109
Trial Days (Multiple)	4	101	87	101	5	141	0	0	19	4	61	0	11	0	16	550
Trial Days (One)	3	13	46	8	2	27	18	53	374	3	3	0	8	32	6	596
Grand Total	170	48,064	7,623	3,078	1,898	20,856	118	270	824	113	1,352	0	1,368	1,089	892	87,715

District Caseloads



Ninth Circuit



District Caseloads

1 DISTRICT of ALASKA

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	522	540	3.4%	180
Terminations	502	563	12.2%	188
*Pending	576	553	-4.0%	184
Bankruptcy Court				
Filings	697	891	27.8%	446
Terminations	780	816	4.6%	408
*Pending	1,057	1,082	2.4%	541

*Total pending cases revised for 2007.

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

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

2 DISTRICT of ARIZONA

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	7,656	6,529	-14.7%	502
Terminations	8,258	7,124	-13.7%	548
*Pending	5,497	4,902	-10.8%	377
Bankruptcy Court				
Filings	10,920	19,532	78.9%	2,790
Terminations	13,579	15,011	10.5%	2,144
*Pending	17,774	22,295	25.4%	3,185

*Total pending cases revised for 2007.

**Includes one authorized temporary judgeship.

Authorized places of holding court:
Flagstaff, Phoenix, Prescott, Tucson,
Yuma

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

3 CENTRAL DISTRICT of CALIFORNIA

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	13,617	14,444	6.1%	516
Terminations	12,900	14,088	9.2%	503
*Pending	12,314	12,670	2.9%	453
Bankruptcy Court				
Filings	34,028	65,856	93.5%	2,744
Terminations	29,330	40,414	37.8%	1,684
*Pending	26,019	51,461	97.8%	2,144

*Total pending cases revised for 2007.

**Includes one authorized temporary judgeship.

***Includes three authorized temporary judgeships.

Authorized places of holding court:
Los Angeles, Riverside, Santa Ana

Authorized Judgeships	
**District	28
***Bankruptcy	24
Magistrate	
Full time	23
Part-time	1

4 EASTERN DISTRICT of CALIFORNIA

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	5,420	5,914	9.1%	986
Terminations	4,948	5,591	13.0%	932
*Pending	8,037	8,360	4.0%	1,393
Bankruptcy Court				
Filings	18,052	32,154	78.1%	4,593
Terminations	15,130	27,141	79.4%	3,877
*Pending	16,380	21,393	30.6%	3,056

*Total pending cases revised for 2007.

**Includes one authorized temporary judgeship.

Authorized places of holding court:
Bakersfield, Fresno, Redding,
Sacramento, South Lake Tahoe,
Yosemite

Authorized Judgeships	
District	6
**Bankruptcy	7
Magistrate	
Full time	10
Part-time	0

5 NORTHERN DISTRICT of CALIFORNIA

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	7,404	6,694	-9.6%	478
Terminations	6,633	6,910	4.2%	494
*Pending	8,256	9,040	9.5%	646
Bankruptcy Court				
Filings	12,599	21,196	68.2%	2,355
Terminations	11,264	17,060	51.5%	1,896
*Pending	18,370	22,506	22.5%	2,501

*Total pending cases revised for 2007.

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

Authorized Judgeships	
District	14
**Bankruptcy	9
Magistrate	
Full time	10
Part-time	1

6 SOUTHERN DISTRICT of CALIFORNIA

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	6,197	7,330	18.3%	564
Terminations	6,673	7,475	12.0%	575
*Pending	4,783	4,638	-3.0%	357
Bankruptcy Court				
Filings	7,936	14,017	76.6%	3,504
Terminations	7,089	11,913	68.0%	2,978
*Pending	6,358	8,462	33.1%	2,116

*Total pending cases revised for 2007.

Authorized places of holding court:
El Centro, San Diego

Authorized Judgeships	
District	13
**Bankruptcy	4
Magistrate	
Full time	10
Part-time	0

District Caseloads

7 DISTRICT of GUAM

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	152	102	-32.9%	102
Terminations	139	117	-15.8%	117
*Pending	158	143	-9.5%	143
Bankruptcy Court				
Filings	133	151	13.5%	385
Terminations	207	127	-38.6%	271
*Pending	116	140	20.7%	327

Authorized places of holding court:
Hagatna

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

The Guam district judge also handles all bankruptcy cases.

*Total pending cases revised for 2007.

8 DISTRICT of HAWAII

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	1,067	1,159	8.6%	290
Terminations	1,217	1,253	3.0%	313
*Pending	1,075	981	-8.7%	245
Bankruptcy Court				
Filings	1,386	2,087	50.6%	2,087
Terminations	1,539	1,760	14.4%	1,760
*Pending	1,295	1,622	25.3%	1,622

Authorized places of holding court:
Honolulu

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

*Total pending cases revised for 2007.

**Includes one authorized temporary judgeship.

9 DISTRICT of IDAHO

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	811	867	6.9%	434
Terminations	837	817	-2.4%	409
*Pending	827	877	6.0%	439
Bankruptcy Court				
Filings	3,838	5,300	38.1%	2,650
Terminations	4,855	4,546	-6.4%	2,273
*Pending	4,817	5,571	15.7%	2,786

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

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

*Total pending cases revised for 2007.

10 DISTRICT of MONTANA

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	1,056	986	-6.6%	329
Terminations	1,101	1,168	6.1%	389
*Pending	1,126	944	-16.2%	315
Bankruptcy Court				
Filings	1,879	1,968	4.7%	1,968
Terminations	2,406	2,487	3.4%	2,487
*Pending	3,112	2,593	-16.7%	2,593

*Total pending cases revised for 2007.

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

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

11 DISTRICT of NEVADA

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	2,836	3,064	8.0%	438
Terminations	2,845	2,783	-2.2%	398
*Pending	3,345	3,626	8.4%	518
Bankruptcy Court				
Filings	10,953	18,716	70.9%	4,679
Terminations	12,017	10,499	-12.6%	2,625
*Pending	15,222	23,439	54.0%	5,860

*Total pending cases revised for 2007.

**Includes one authorized temporary judgeship.

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

Authorized Judgeships	
District	7
**Bankruptcy	4
Magistrate	
Full time	6
Part-time	0

12 DISTRICT of NORTHERN MARIANA ISLANDS

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	61	74	21.3%	74
Terminations	77	52	-32.5%	52
*Pending	58	80	37.9%	80
Bankruptcy Court				
Filings	17	12	-29.4%	32
Terminations	24	8	-66.7%	12
*Pending	21	25	19.0%	49

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

*Total pending cases revised for 2007.

Authorized places of holding court:
Saipan

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

District Caseloads

13 DISTRICT of OREGON

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	3,140	2,867	-8.7%	478
Terminations	3,080	3,050	-1.0%	508
*Pending	3,177	3,081	-3.0%	514
Bankruptcy Court				
Filings	9,386	12,802	36.4%	2,560
Terminations	10,940	11,704	7.0%	2,341
*Pending	13,751	14,849	8.0%	2,970

*Total pending cases revised for 2007.

Authorized places of holding court:
Coquille, Eugene, Klamath Falls,
Medford, Pendleton, Portland

Authorized Judgeships	
District	6
Bankruptcy	5
Magistrate	
Full time	6
Part-time	1

14 EASTERN DISTRICT of WASHINGTON

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	1,002	1,059	5.7%	265
Terminations	945	1,086	14.9%	272
*Pending	889	862	-3.0%	216
Bankruptcy Court				
Filings	4,344	5,583	28.5%	2,792
Terminations	4,990	5,536	10.9%	2,768
*Pending	5,315	5,362	0.9%	2,681

*Total pending cases revised for 2007.

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

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

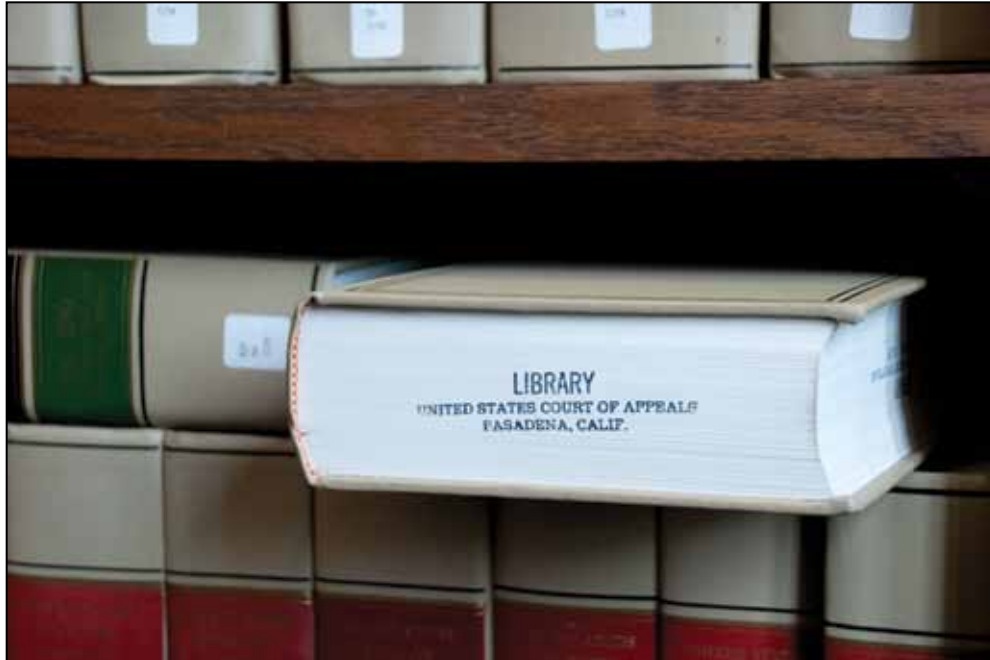
15 WESTERN DISTRICT of WASHINGTON

Caseload Measure	2007	2008	Change 2007-2008	Per Judgeship Unweighted 2008
District Court				
Filings	4,152	3,748	-9.7%	535
Terminations	4,138	4,000	-3.3%	571
*Pending	3,533	3,281	-7.1%	469
Bankruptcy Court				
Filings	11,224	16,252	44.8%	3,250
Terminations	11,566	13,739	18.8%	2,748
*Pending	14,027	16,540	17.9%	3,308

*Total pending cases revised for 2007.

Authorized places of holding court:
Bellingham, Seattle, Tacoma

Authorized Judgeships	
District	7
Bankruptcy	5
Magistrate	
Full time	5
Part-time	2



The Office of the Circuit Executive would like to thank the following for their assistance in researching and capturing the photographs of the Richard H. Chambers United States Courthouse in Pasadena used throughout the 2008 Ninth Circuit Annual Report:

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Office of the Circuit Executive

Cathy A. Catterson, Circuit & Court of Appeals Executive

P.O. Box 193939, San Francisco, CA 94119-3939

Ph: (415) 355-8900, Fax: (415) 355-8901

<http://www.ce9.uscourts.gov>