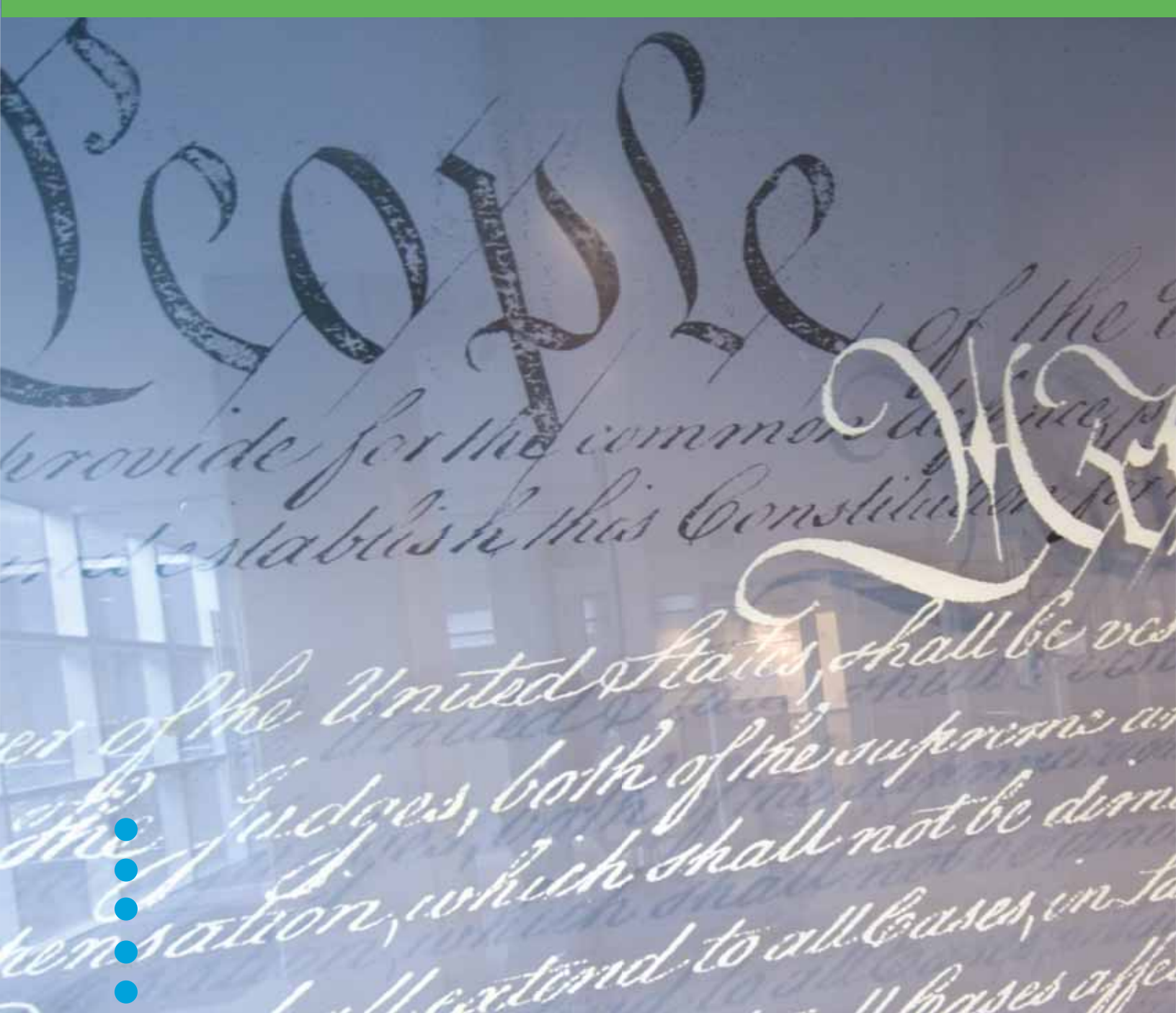




N I N T H C I R C U I T U n i t e d S t a t e s C o u r t s
2 0 0 6 A N N U A L R E P O R T





Above: Text mural of Article III of the United States Constitution located at the Wayne Lyman Morse Courthouse in Eugene, Oregon.

Cover Image: San Francisco courtroom mosaic depicting Justice with Science, Literature and the Arts

The Office of the Circuit Executive would like to acknowledge the following for their contributions to the 2006 Annual Report:

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

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(All statistics provided by the Administrative
Office of the United States Courts)

THE JUDICIAL COUNCIL OF THE NINTH CIRCUIT



Seated, from left: Chief District Judge Donald W. Molloy, Chief Circuit Judge Mary M. Schroeder, and Senior Circuit Judge David R. Thompson. Standing, middle row, from left: Circuit Judge Marsha S. Berzon, Senior District Judge Roger G. Strand, Chief District Judge B. Lynn Winmill, and Circuit Judge Susan P. Graber. Standing, top row, from left: Magistrate Judge Anthony J. Battaglia, and Chief Bankruptcy Judge Ralph B. Kirscher. Not in photo: Circuit Judge Alex Kozinski, Circuit Judge Kim McLane Wardlaw, District Judge Charles R. Breyer, and Senior District Judge Terry J. Hatter, Jr.

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.



FOREWORD

Chief Judge Mary M. Schroeder

Federal courts of the Ninth Circuit are not only among the busiest in the nation, but also the most innovative. Our judges and court staff, often assisted by lawyers and law professors, are continually seeking ways to improve the administration of justice. The 2006 Ninth Circuit Annual Report makes note of some of these efforts, while recapping the important trends and events in the courts serving nine western states and two Pacific Island jurisdictions. We hope you find the information useful and welcome your comments.

The lack of new judgeships and the slow pace of appointments to fill existing judgeships has been an ongoing challenge for the United States Court of Appeals for the Ninth Circuit and for many district courts in the circuit. Although no new judgeships were authorized for any of our courts in 2006, two new circuit judges were nominated by the president and confirmed by the Senate in relatively rapid fashion. The addition of Judges Milan D. Smith, Jr., and Sandra Segal Ikuta brought the Ninth Circuit Court of Appeals to nearly full strength with 26 of 28 authorized judgeships filled.

District courts did not fare as well, ending the year with nine vacancies. Four new district judges were confirmed, including Frances Marie Tydingco-Gatewood, the new chief judge of the U.S. District Court for the District of Guam, one of three territorial courts in the federal system. The appointment of Judge Tydingco-Gatewood, who was raised on Guam and is of Chamoru and Pohnpeian descent, stirred indigenous pride among island residents. In addition, four new bankruptcy judges were appointed, one new judge named to the circuit's Bankruptcy Appellate Panel, and five new magistrate judges selected by the district courts.

For the Ninth Circuit Court of Appeals, 2006 brought a welcome respite from relentless growth in caseload driven by immigration appeals. The number of new appeals filed with the court decreased by 14.1 percent, the first decline in five years. Immigration appeals, which had increased 626 percent from 2001 to 2005, were down 22 percent from the year before. The Ninth Circuit continued to have the largest share of new filings, 21.7 percent of the national total.

Immigration matters, which accounted for 37.4 percent of new appeals in 2006, will likely remain a big part of our caseload for years to come. With help from the bar, the court continues to look for ways to expedite the processing of immigration appeals while respecting the rights of would-be residents and asylum seekers. In 2006, the court sponsored "brainstorming" sessions with some of the most knowledgeable attorneys in the immigration field. One of the more promising ideas to come out of these sessions involves expanded mentoring and training opportunities for attorneys who represent immigrant appellants pro bono. We are hopeful this proposal, which involves using private funding from law firms and others to retain experienced attorneys as mentors/trainers, will be implemented in 2007.

Criminal and civil case filings held steady in the district courts of the Ninth Circuit, which accounted for 16.2 percent of the total federal court caseload. Our bankruptcy courts, however, saw new filings plummet, part of a national trend linked closely to the enactment of a bankruptcy reform law in late 2005.

While a few in Congress may persist in trying to split the Ninth Circuit, widespread opposition from the bench, bar and academia appears to have convinced most of our elected leaders that it is a bad idea. The solidarity shown by the legal community in opposing the split was truly remarkable in 2006. Early in the year, judges of the court of appeals published a statement, signed by 33 of 47 total active and senior circuit judges, opposing circuit division. Later in the year, letters of opposition were sent to the Senate Judiciary Committee signed by more than 80 judges of district and bankruptcy courts in the circuit, and by more than

385 professors from law schools around the country. And when the committee actually met in September to consider yet another circuit-splitting bill, it was the president-elect of the American Bar Association who joined with me and others in testifying against the measure.

Also in the legislative realm, the courts were fortunate to receive adequate funding, despite some uncertainty late in the year. Bills aimed at reducing the judiciary's rent costs, another important fiscal issue, also were introduced in the House and Senate. Although neither bill moved forward, they helped generate congressional interest in this important matter and spurred new discussions of cost issues between the judicial branch and General Services Administration, which serves as our landlord. This is a problem long in coming and thus likely to take some time to solve.

Speaking of space and facilities, we celebrated the opening of the Wayne Lyman Morse U.S. Courthouse in Eugene, Ore., which is not only a marvelous example of modern public architecture, but the cornerstone of the city's plans to revitalize the area with a new "Courthouse District." In Seattle, work was begun on the modernization and seismic retrofitting of the William Kenzo Nakamura U.S. Courthouse for future use by the Ninth Circuit Court of Appeals. Plans also were approved for a new courthouse in Great Falls, Mont., and discussions continued on new court facilities in Billings, Mont., Coeur d'Alene, Idaho, and Vancouver, Wash. But the circuit's most critical projects, new courthouses in San Diego and Los Angeles, remained on hold in the face of inflationary cost escalation, and plans for a new courthouse in Bakersfield bogged down over selection of a site. The San Diego courthouse site has been acquired and was cleared in 2006 with a dramatic implosion of the structure that had occupied the land.

Certainly among the year's highlights was the presence of Chief Justice John G. Roberts, Jr., and Associate Justices Anthony M. Kennedy and Stephen G. Breyer, along with the new director of the Administrative Office of the U.S. Courts, James C. Duff, at the 2006 Ninth Circuit Judicial Conference, held last July in Huntington Beach. Justice Kennedy, our newly designated circuit justice, also visited the Ninth Circuit Court of Appeals in October, as did the not-so-retired Justice Sandra Day O'Connor, who sat on two appellate panels hearing oral arguments that month at the James R. Browning U.S. Courthouse in San Francisco.

Among the milestones marked in 2006 was the 40th anniversary of the establishment of federal courts for the Central and Eastern districts of California. They were created in 1966, when Congress redrew the boundaries of the Northern and Southern districts of California, and reallocated judgeships to the new districts. Among the anniversary observances was a special symposium in the Central District sponsored by Southwestern University Law School.

Noteworthy among the accolades and honors received by our judges during the year was the presentation in October of the American Judicature Society's 2005 Edward J. Devitt Distinguished Service to Justice Award to Senior Circuit Judge J. Clifford Wallace. The award, regarded as the highest honor that can be bestowed on a federal judge, was presented by Justice Kennedy at a community event held in Judge Wallace's hometown of San Diego.

You are invited to peruse this report further for more information about the work of our courts in 2006, including caseload statistics and descriptions of various initiatives undertaken by our judges and staff. All in all, I think you will find 2006 was another productive year for the Ninth Circuit.

A handwritten signature in black ink, reading "Mary M. Schweder". The signature is written in a cursive, flowing style. The first name "Mary" is written with a large, stylized 'M' and 'y'. The middle initial "M." is written with a large 'M' and a period. The last name "Schweder" is written with a large 'S' and a cursive 'd'.

NINTH CIRCUIT OVERVIEW

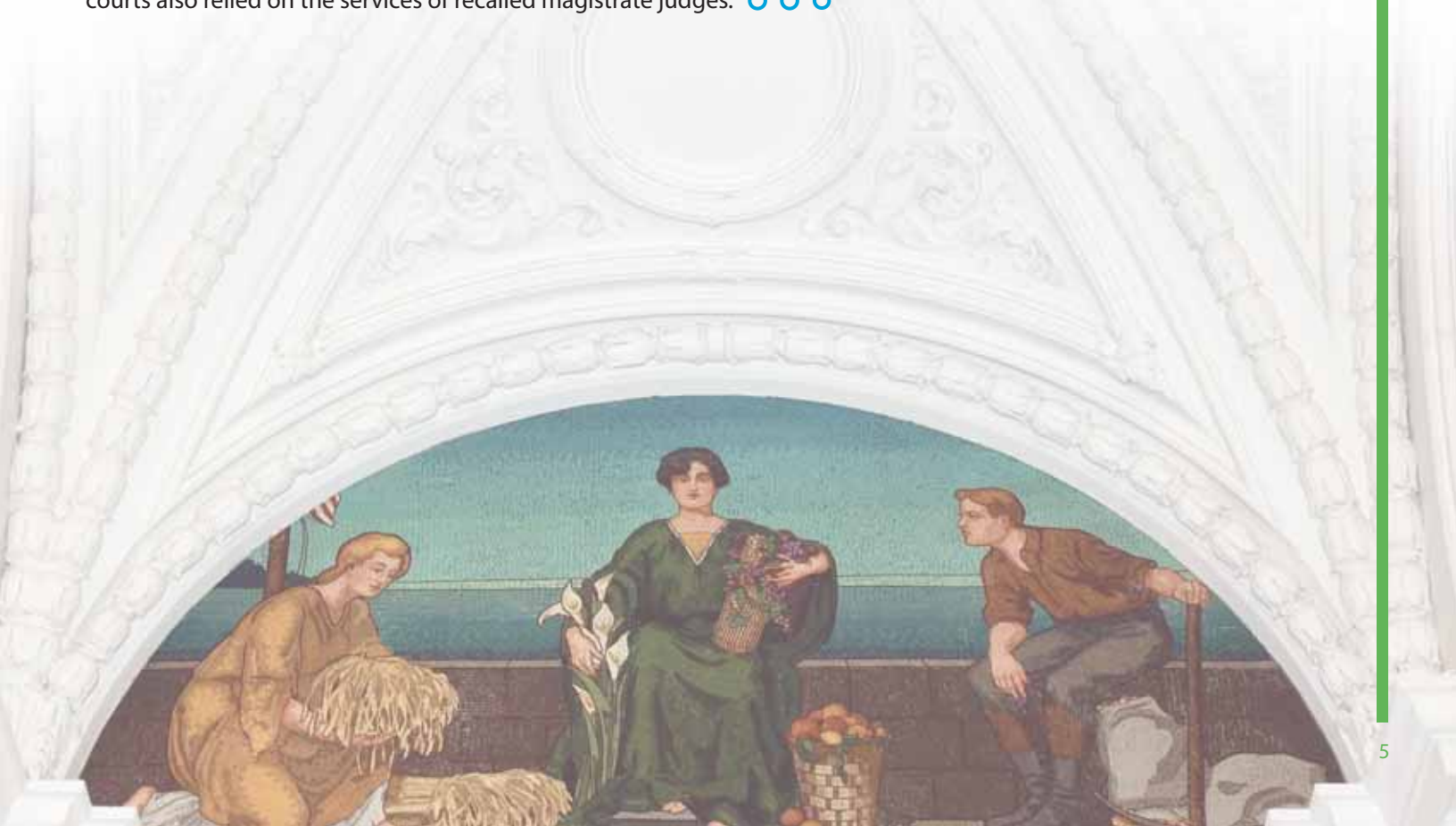
The United States Courts for the Ninth Circuit consists of the U.S. Court of Appeals for the Ninth Circuit along with district and bankruptcy courts in the 15 federal judicial districts that comprise the circuit, plus associated administrative units that provide various services to the court.

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 U.S. 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 2006 with two vacant positions. For most of the year, the district courts were authorized 112 judgeships, nine 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. Senior circuit judges sit on appellate panels, serve on circuit and national judicial committees and handle a variety of administrative matters. In the district courts, 53 senior judges heard cases, presided over procedural matters, served on committees and conducted other business of their courts during 2006.

In addition to Article III judges, the Ninth Circuit has a number of Article I judges, who serve as magistrate judges in the district courts or as bankruptcy judges in the bankruptcy courts. Bankruptcy judges are appointed by the court of appeals to terms of 14 years, while magistrate judges are appointed by the individual district courts and hold their positions for eight years. In 2006, bankruptcy courts in the Ninth Circuit were authorized 68 permanent and five temporary judgeships. The district courts were authorized 95 full-time and 11 part-time magistrate judges; several courts also relied on the services of recalled magistrate judges. ○ ○ ○



JUDICIAL COUNCIL AND ADMINISTRATION

The Judicial Council of the Ninth Circuit is the governing body of the United States Courts for the Ninth Circuit. Its 11 voting members are looked upon as a “judicial board of directors.” Chaired by the chief judge of the circuit, the council provides policy guidance and leadership to courts of the circuit. It meets three times a year to review issues and resolve problems, conducting additional business by conference call or mail ballot when necessary.

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)]. It 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.

The Ninth Circuit is represented on the Executive Committee of the Judicial Conference U.S. by its chief judge and by a district judge chosen by a vote of all district judges in the circuit, currently Judge Charles R. Breyer of the Northern District

of California. In addition, circuit, district, bankruptcy and magistrate judges also serve on various Judicial Conference U.S. committees at the request of the chief justice.

Conference of Chief District Judges

The Conference of Chief District Judges advises the Judicial Council of the Ninth Circuit about the administration of justice in each of the circuit’s 15 district courts. The conference, which is comprised of the chief district judge of each district, meets twice a year. Chief District Judge Stephen M. McNamee of the District of Arizona served as chair of the conference from December 2005 through April 2006. He was succeeded by Chief District Judge B. Lynn Winmill of the District of Idaho, whose term will expire in March 2007.



District Court Clerk W. Samuel Hamrick, Jr., of the Southern District of California served as the district clerks’ liaison to the Judicial Council of the Ninth Circuit in 2006.

Conference of Chief Bankruptcy Judges

The Conference of Chief Bankruptcy Judges advises the Judicial Council of the Ninth Circuit on the administration of the bankruptcy courts within the circuit. The chair of the conference is a non-voting member of the council. The conference, which consists of chief bankruptcy judges from each district, the presiding judge of the Ninth Circuit Bankruptcy Appellate Panel (BAP) and one recalled (retired) bankruptcy judge, meets twice a year. Chief Bankruptcy Judge Gregg W. Zive of the District of Nevada chaired the conference from September 2005 to October 2006. He was succeeded by Chief Bankruptcy Judge Ralph B. Kirscher of the District of Montana, who will chair the conference until late September 2007.

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 meets with all magistrate judges at the annual circuit conference. The chair of the board serves on the council as an observer. Chief Magistrate Judge J. Kelley Arnold of the Western District of Washington served as chair of the board from September 2004 to September 2006. He was succeeded by Magistrate Judge Anthony J. Battaglia of the Southern District of California, beginning in October 2006. Judge Battaglia will chair the board until September 2008.

Clerks of Court

Day-to-day management of the courts rests with the chief judge and clerk of court for the court of appeals and each of the district and bankruptcy courts. Clerks of court are the administrative backbone of the federal court system, responsible for processing new cases and appeals, handling docketing functions, responding to procedural questions from the public and bar, and ensuring adequate judicial staff resources. They also oversee the courts' migration to electronic case filing and management. Cathy Catterson, the clerk of court for the Ninth Circuit Court of Appeals also supervises the work of the Circuit Mediation Office and the Office of the Staff Attorneys, which includes research, motions, case management and pro se units. Peter Shaw, the appellate commissioner, reviews Criminal Justice Act vouchers for cases that come before the court of appeals. Clerks of the district and bankruptcy courts also are active members of Ninth Circuit and Judicial Conference U.S. committees.

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 supervision of criminal defendants and background investigations and reports. The circuit's federal public defender and community defenders represent indigent defendants unable to afford private counsel. They have offices in each of the Ninth Circuit districts with the exception of the Northern Mariana Islands, which relies on a Criminal Justice Act panel of attorneys.

Ninth Circuit Library System

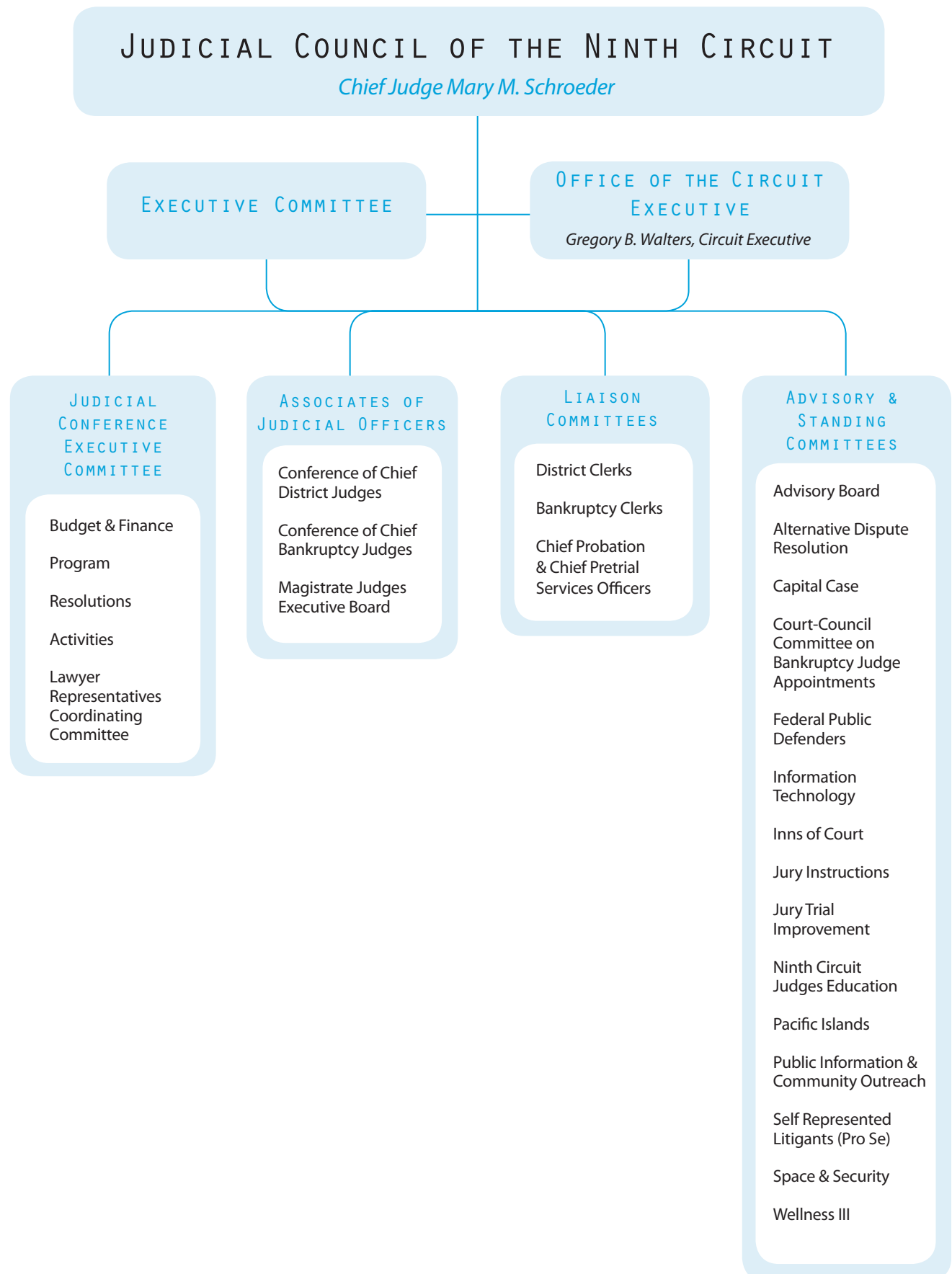
The Ninth Circuit Library System assists judges, attorneys, court staff and the public through a network of 24 law libraries housed in courthouses throughout the western states. The primary mission of court librarians is to provide research services to judges and their staff. Research librarians assist 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 U.S. Library resources also are 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 council and implements its administrative decisions and policies. By statute, the circuit executive is the administrative assistant to the chief judge of the circuit and secretary to the Judicial Council. The circuit executive and his staff assist in 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 expertise to courts within the circuit, administers the annual Ninth Circuit Judicial Conference and facilitates educational programs for judges and court staff in the courts of the Pacific islands through a grant from the U.S. Department of the Interior.



ORGANIZATION OF THE NINTH CIRCUIT COMMITTEES



Judicial Transitions



Sandra Segal Ikuta is sworn into office as a new judge of the United States Court of Appeals for the Ninth Circuit by Circuit Judge Alex Kozinksi.

NEW JUDGES IN 2006

Circuit Judges



Judge Sandra Segal Ikuta was appointed a circuit judge to the Ninth Circuit Court of Appeals on June 23, 2006. Prior to her appointment, Judge Ikuta was a deputy secretary and general counsel at the California Resources Agency from 2004 to 2006. She was an associate from 1990 to 1997 and then partner from 1997 to

2004 at O'Melveny & Myers LLP. Judge Ikuta received her A.B. from the University of California at Berkeley in 1976, her M.S. from Columbia University in 1978 and her J.D. from the University of California at Los Angeles School of Law in 1988. Following law school, she clerked for Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit from 1988 to 1989 and for Associate Justice Sandra Day O'Connor (now retired) of the U.S. Supreme Court from 1989 to 1990. She maintains chambers in Pasadena.



Judge Milan Dale Smith, Jr., was appointed a circuit judge to the Ninth Circuit Court of Appeals on May 18, 2006. Prior to his appointment, Judge Smith was a managing partner at Smith Crane Robinson & Parker LLP in Torrance, California, from 1972 to 2006. He was an associate at O'Melveny & Myers from

1969 to 1972. Judge Smith received his B.A. from Brigham Young University in 1966 and his J.D. from the University of Chicago Law School in 1969. He maintains chambers in Pasadena.

District Judges



Judge Timothy Burgess was appointed a district judge for the District of Alaska on January 23, 2006. Prior to his appointment, Judge Burgess served as an assistant United States attorney then U.S. attorney for the District of Alaska from 1987 to 1989 and from 1989 to 2006 respectively. He was an associate at the law firm of

Gilmore & Feldman from 1987 to 1989. Judge Burgess received his B.A. in 1978 and his M.B.A. in 1982 from the University of Alaska and his J.D. from the Northeastern University Law School in 1987. He maintains chambers in Anchorage.



Judge Frances Marie Tydingco-Gatewood was appointed a district judge for the District of Guam on October 27, 2006. Prior to her appointment, Judge Tydingco-Gatewood was a superior court judge for the Superior Court of Guam from 1994 to 2002 and was an associate justice for the Supreme Court

of Guam from 2002 to 2006. She was the chief prosecutor for the Guam Office of the Attorney General from 1990 to 1994. Judge Tydingco-Gatewood received her B.A. from Marquette University in 1980 and her J.D. from the University of Missouri-Kansas City School of Law in 1983. Following law school, she clerked for Judge Forest W. Hanna of the Circuit Court for Jackson County, Missouri, from 1983 to 1984. She maintains chambers in Hagatna.



Judge Andrew J. Guilford was appointed a district judge for the Central District of California on July 7, 2006. Prior to his appointment, Judge Guilford was an associate from 1975 to 1983 and then partner from 1983 to 2006 at Sheppard, Mullin, Richter & Hampton LLP. Judge Guilford received his A.B. from the

University of California at Los Angeles in 1972 and his J.D. from the University of California at Los Angeles School of Law in 1975. He maintains chambers in Santa Ana.



Judge Stephen G. Larson was appointed a district judge for the Central District of California on March 21, 2006. Prior to his appointment, Judge Larson served as a magistrate judge for the U.S. District Court for the Central District of California from 2000 to 2006. Judge Larson is an adjunct professor at the University of

LaVerne College of Law since 2002. He was an instructor at California Southern Law School from 2001 to 2005 and was an adjunct assistant professor for Glendale College of Law from 1997 to 2001. Judge Larson was an assistant U.S. attorney in the Los Angeles Criminal Division of the U.S. Attorney's Office for the Central District of California from 1991 to 2000, working as chief of the Organized Crime Strike Force Section, from 1999 to 2000, and as Russian Organized Crime coordinator from 1994 to 1998. He was an associate at O'Melveny & Myers from 1989 to 1991. Judge Larson received his B.S. from Georgetown University in 1986 and his J.D. from the University of Southern California School of Law in 1989. He maintains chambers in Riverside.

Bankruptcy Judges



Judge Roger L. Efremsky was appointed a bankruptcy judge for the Northern District of California on August 1, 2006. Prior to his appointment, Judge Efremsky was a partner with the law firm of Efremsky & Nagel representing corporate clients throughout California and served as advisory counsel to the

Chapter 13 Standing Trustees for the Oakland, San Francisco, San Jose and Santa Rosa divisions of the United States Bankruptcy Court for the Northern District of California. He is a former chairman of the National Association of Chapter Thirteen Trustees (NACTT) Creditor Auxiliary and has served on a number of professional committees at the state and local levels. Judge Efremsky has also testified on behalf of representative national creditors before the U.S. Senate Subcommittee on Administrative Oversight and the Courts regarding the role of the U.S. Trustee system. Judge Efremsky received his B.S. from Menlo College in 1978 and his J.D. from Santa Clara University School of Law in 1983. He was the recipient of a Rotary International Fellowship for the study of international law and politics at the University of Cape Town, Republic of South Africa. He maintains chambers in San Jose.



Judge Victoria S. Kaufman was appointed a bankruptcy judge for the Central District of California on May 2, 2006. Prior to her appointment, Judge Kaufman was of counsel in the law firm of Paul, Hastings, Janofsky & Walker LLP in Los Angeles. Judge Kaufman received her B.A. from Bryn Mawr College in 1986

and her J.D. from Harvard Law School in 1989, where she was the Recent Developments editor of the Harvard International Law Journal. In 1988, Judge Kaufman was an instructor in the Foreign Student Orientation Program at Harvard Law School, and from 1988 to 1989, she was a teaching assistant for an undergraduate course at Harvard University regarding the Russian revolution. From 1998 to 1999, she clerked for Judge Marilyn Shea-Stonum of the U.S. Bankruptcy Court of the Northern District of Ohio, Akron Division. She maintains chambers in Los Angeles.



Judge Mike K. Nakagawa was appointed a bankruptcy judge for the District of Nevada on September 1, 2006. Prior to his appointment, Judge Nakagawa was a principal at Nakagawa & Rico P.A. from 1994 to 2006. He was a partner at Namba & Nakagawa from 1993 to 1994 and a partner at Cespedes, Namba &

Nakagawa from 1992 to 1993. Judge Nakagawa received his B.A. from the University of the Pacific in 1977 and his J.D. from the University of California at Davis in 1980. He maintains chambers in Las Vegas.



Judge Richard M. Neiter was appointed a bankruptcy judge for the Central District of California on February 18, 2006. Prior to his appointment, he was an associate then shareholder at the Los Angeles law firm of Stutman, Tresiter & Glatt from 1962 to 2006. He served on the panel of trained mediators for the

Central District of California Bankruptcy Court. Judge Neiter received his B.S. from the University of California at Los Angeles in 1959 and his J.D. from the University of Southern California Law School in 1962, where he was a member of the Board of Editors for the Southern California Law Review. Judge Neiter served as chairman of the Debtor/Creditor Relations and Bankruptcy Committee for the State Bar of California and was a member of the Executive Committee for the Commercial Law and Bankruptcy Section of the Los Angeles County Bar Association. He maintains chambers in Los Angeles.

NEW JUDGES CONTINUED

Magistrate Judges



Judge Edmund F. Brennan was appointed a magistrate judge for the Eastern District of California on August 21, 2006. Prior to his appointment, he had served in the U.S. Attorney's Office for the Eastern District of California from 1988 to 2006, holding various supervisory positions, including, most recently, chief

in the Civil Division. He received his B.A. from Doane College, Crete, Nebraska, in 1973 and his J.D. from Southwestern University School of Law in 1979. After law school, Judge Brennan served as a law clerk to Judge Edward J. Garcia of the U.S. District Court for the Eastern District of California from 1984 to 1988. Judge Brennan worked in the Office of Hearings and Appeals from 1980 to 1984; and for the Social Security Administration as a claims representative from 1977 to 1980. He maintains chambers in Sacramento.



Judge Jacqueline Chooljian was appointed a magistrate judge for the Central District of California on January 9, 2006. Prior to her appointment, she served in the U.S. Attorney's Office for the Central District of California since 1989, the last four years as criminal chief and special counsel. Judge Chooljian

was a litigation associate at the law firm of Gibson, Dunn & Crutcher in Los Angeles from 1987 and 1989. She served as a judicial clerk to Chief Judge Alicemarie H. Stotler of the Central District of California in 1986 and 1987. Judge Chooljian received her B.A. from the University of California at Los Angeles in 1982 and her J.D. from the University of Southern California, Gould School of Law in 1986. She maintains chambers in Los Angeles.



Judge Jeremiah C. Lynch was appointed a magistrate judge for the District of Montana on June 10, 2006. Prior to his appointment, Judge Lynch had a private litigation practice in Great Falls, Mont., from 1996 to 2006. He received his B.A. from Carroll College, Helena, Mont., in 1973 and his J.D. from the University of

Montana School of Law in 1981. Following law school, Judge Lynch served as a law clerk to Judge Paul G. Hatfield of the United States District Court for the District of Montana from 1981 to 1995. He maintains chambers in Missoula.



Judge Frederick F. Mumm was appointed a magistrate judge for the Central District of California on April 3, 2006. Prior to his appointment, Judge Mumm was a partner at Davis Wright Tremaine in Los Angeles from 2000 to 2006, where he specialized in intellectual property, media and entertainment litigation. Judge Mumm was associate general counsel of CBS Broadcasting Inc. from 1993 to 1999 and was a partner at Walter Finestone & Richter in Los Angeles prior to going to CBS. Judge Mumm received his B.S. from the University of Virginia in 1976 and his J.D. from the College of William and Mary in 1979. He maintains chambers in Los Angeles.



Judge Oswald Parada was appointed a magistrate judge for the Central District of California on January 20, 2006. Prior to his appointment, Judge Parada was the directing attorney from 1995 to 2006 and was a deputy federal public defender at the Federal Public Defender's Office for the Central District of California from

1991 to 2006. Prior to joining the Federal Public Defender's Office, he was a staff attorney at El Rescate Legal Services, Inc., in Los Angeles in 1991 and was a legal extern from 1989 to 1990. Judge Parada received his B.A. from California State University at Fullerton in 1987 and his J.D. from Loyola Law School in 1990. He maintains chambers in Riverside.



Judge John C. Rayburn, Jr., was appointed as a magistrate judge for the Central District of California on October 13, 2006. Prior to his appointment, Judge Rayburn spent 15 years as a federal prosecutor in the United States Attorney's Office for the Central District of California. During that time, Judge

Rayburn served for approximately five years as the deputy chief of the Santa Ana Branch and three years as the chief of the Riverside Branch of the U.S. Attorney's Office. Judge Rayburn received his B.S. from California Polytechnic University at San Luis Obispo, in 1982, his M.B.A. from San Diego State University in 1987, and his J.D. from the University of California at Berkeley, Boalt Hall School of Law, in 1990. He maintains chambers in Riverside.

New Senior Judges



Judge John C. Coughenour, of the U.S. District Court for the Western District of Washington, was appointed a district judge on September 28, 1981. He served as chief judge from 1997 to 2004 and assumed senior status on July 27, 2006. Prior to his appointment, Judge Coughenour engaged in private

practice in Seattle, Washington, from 1966 to 1981 and was an assistant professor of law at the University of Washington from 1970 to 1973. Judge Coughenour received his B.S. from Kansas State College of Pittsburgh in 1963 and his J.D. from the University of Iowa College of Law in 1966. He maintains chambers in Seattle.



Judge Ronald S.W. Lew, of the U.S. District Court for the Central District of California, was appointed a district judge on May 7, 1987 and assumed senior status on September 19, 2006. Prior to his appointment to the federal bench, Judge Lew was a California Superior Court judge, Los Angeles County, from

1984 to 1987 and was a California Municipal Court judge, Los Angeles County, from 1982 to 1984. He was the Los Angeles fire and police pension commissioner from 1976 to 1982. Judge Lew engaged in private practice in Los Angeles from 1974 to 1981. He was the deputy city attorney of the Criminal and Civil Liability Divisions in the Los Angeles City Attorney's Office from 1972 to 1974. Judge Lew received his B.A. from Loyola University in 1964 and his J.D. from Southwestern University School of Law in 1971. He maintains chambers in Los Angeles.

IN MEMORIAM



Senior District Judge Wm. Matthew Byrne, Jr., of the U.S. District Court for the Central District of California, was appointed a district judge on May 20, 1971. He served as chief judge from 1994 to 1998 and assumed senior status on February 28, 1998. Prior to his appointment to the bench, Judge Byrne

was the executive director for President Nixon's Commission on Campus Unrest in 1970. He served as United States attorney for the Central District of California from 1967 to 1970. Judge Byrne engaged in private practice in Los Angeles from 1960 to 1967. He was the assistant U.S. attorney for the Southern District of California from 1958 to 1960. He served in the United States Air Force from 1956 to 1958. Judge Byrne received his B.S. from the University of Southern California in 1953 and his LL.B. from the University of Southern California Law School in 1956. Following law school, he clerked for the Hon. Pierson M. Hall of the U.S. District Court for the Southern District of California. Judge Byrne passed away on January 12, 2006. He is survived by his nephews, Mark and Matthew, and nieces, Julie and Victoria.



Bankruptcy Judge Bert M. Goldwater, of the United States Bankruptcy Court for the District of Nevada, was appointed a bankruptcy judge in 1979. Prior to his appointment, Judge Goldwater served as bankruptcy trustee in Nevada from 1964 until his appointment to the bench. He served on the court until

1982, when he returned to private practice in Las Vegas with the law firm of Lionel, Sawyer & Collins. In 1994, he accepted recall to the bankruptcy bench and has served on a year-to-year basis since then. Judge Goldwater received his undergraduate degree from the University of Nevada in 1936 and his J.D. from the University of Colorado School of Law in 1939. Judge Goldwater passed away on May 3, 2006. He is survived by his daughters, Deena and Rosie, and his grandchildren.



Bankruptcy Judge Frank D. Howard, of the United States Bankruptcy Court for the Western District of Washington, was appointed on February 1, 1988 and retired in 1996. Prior to his appointment to the federal bench, Judge Howard served as a Washington Superior Court judge, King County, from 1968 to 1988.

He practiced law with the law firm of Guttormsen, Scholfield, Willits and Ager for 11 years, where he specialized in civil litigation. He served in the United States Coast Guard from 1956 to 1957. Judge Howard received his B.A. from the University of Washington in 1953 and his LL.B. from the University of Washington School of Law in 1956. Judge Howard passed away on January 29, 2006. He is survived by his wife Gala, his children and his grandchildren.



Senior District Judge Jack E. Tanner, of the United States District Court for the Western District of Washington, was appointed a district judge on May 19, 1978 and assumed senior status on January 28, 1991. Prior to his appointment to the bench, Judge Tanner was in private practice in Tacoma from 1955 to

1978. He was active with the National Association for the Advancement of Colored People (NAACP) from 1956 through the 1960s. Judge Tanner served as a Tacoma chapter president, a regional vice president and as a member of the national board of directors during Thurgood Marshall's tenure as the NAACP's general counsel. He served in the U.S. Army from 1943 to 1945. Judge Tanner received his B.A. from College of Puget Sound in 1953 and his LL.B. from the University of Washington School of Law in 1955. Judge Tanner passed away on January 10, 2006. He is survived by his daughters, Donnetta and Maryetta, and several grandchildren and great-grandchildren.

Ninth Circuit Highlights



*Chief Justice John G. Roberts, Jr., addresses the 2006
Ninth Circuit Judicial Conference.*

NINTH CIRCUIT COMMITTEES

The Judicial Council of the Ninth Circuit relies on numerous advisory and standing committees to study and make recommendations on matters involving the administration of justice. While all are involved in important work, 2006 was particularly noteworthy for several committees.

Judicial Health and Wellness

The Ninth Circuit has been a national leader in promoting health and wellness among federal judges. The circuit offers the nation's only confidential telephone counseling service for federal judges, along with quarterly newsletters, periodic educational seminars and, soon, a wellness-focused web site.

In 2006, the Ninth Circuit effort was highlighted in articles appearing in the Federal Judges Association newsletter and "Judicature" magazine, published by the prestigious American Judicature Society.

The wellness initiative spans three committees: the Task Force on Judicial Disability, established in 1999 to consider formal and informal methods of addressing judicial disabilities; the Judicial Wellness Committee, appointed in late 2000 to carry out key recommendations of the task force; and the current Wellness III Committee, named in late 2005 to continue current programs and develop new ones. Chief District Judge Philip M. Pro of the District of Nevada was chosen to chair the new committee.

In 2006, Judge Pro renewed the dialogue on judicial wellness at meetings of the Ninth Circuit's key governance committees: the conferences of Chief District Judges and Chief Bankruptcy Judges and the Magistrate Judges Executive Board. Members of these groups often are



"Courting Good Health," a Ninth Circuit publication, offers helpful advice on a variety of topics related to health and wellness for judges.

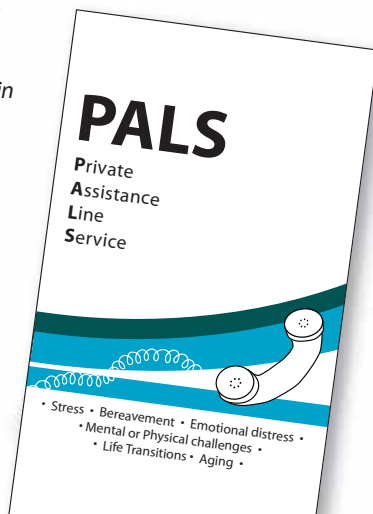
called upon to deal with wellness and disability issues. The committee is exploring ways to provide resources so that they can handle these situations in the best way possible for all concerned. Ideas include a handbook to assist chief district judges and recruitment of a cadre of judges and other experts who had have prior experience and could provide valuable counsel.

Jury Trial Improvement

In October, the Judicial Council of the Ninth Circuit accepted the recommendations of the Jury Trial Improvement Committee on how to improve the experience of citizens called for federal jury service. The recommendations included better management of jury pools; more effective use of jurors' time; improved voir dire, the process used to select jurors for trial; improving juror comprehension; and addressing personal concerns jurors may have during jury service.

Notable among the recommendations pertaining to juror comprehension were ones allowing jurors to take notes

PALS is available to judges, their families and chambers staff. Flyers explaining the PALS concept have been distributed to every judge in the Ninth Circuit.



and receive preliminary and final jury instructions in written form. In civil trials, jurors also could submit written questions to the bench and discuss evidence as the trial progresses. The committee recommended providing more and better information about the trial and judicial process to jurors at the beginning of voir dire, and to allow attorneys to conduct supplemental voir dire after the court's questioning is completed.

To more effectively use jurors' time, the committee recommended setting time limits in civil cases, communicating to jurors about the estimated length of a trial, and considering jurors' needs in setting jury schedules. Also suggested was greater use of pretrial conferences to better use jurors' time and streamline the trial.

The Jury Trial Improvement Committee was established in 2002 and is chaired by District Judge Susan R. Bolton of the District of Arizona. Council endorsement of its recommendations is expected to encourage district courts within the circuit to undertake the changes. The committee will conduct workshops to explain the recommendations to district courts beginning in 2007.

Public Information and Community Outreach

The federal court is a bit less daunting for journalists in San Diego thanks to a highly successful media workshop

sponsored by the U.S. District Court for the Southern District of California and the Ninth Circuit Public Information and Community Outreach (PICO) Committee. The San Diego Federal Courts Media Workshop, held March 30 at the Edward J. Schwartz U.S. Courthouse, drew nearly 100 media representatives, federal judges, attorneys, court staff and other guests. It was the largest media workshop to be held in the Ninth Circuit since the PICO Committee began organizing the events in 2002.

Participants included Ninth Circuit Chief Judge Mary M. Schroeder, Chief District Judge Irma E. Gonzalez of the Southern District, and Chief District Judge Robert S. Lasnik of the Western District of Washington, chair of the PICO Committee.

The media turnout was estimated at about 40 journalists representing both print and electronic media outlets, including the San Diego Union-Tribune, North County Times, Riverside Press-Enterprise, Los Angeles Daily Journal, The Associated Press, City News Service, Univision, and local affiliates of the ABC, CBS and NBC television networks.

A media workshop held in San Diego drew more than 100 people, including 20 federal judges and dozens of Southern California journalists.



NINTH CIRCUIT COMMITTEES CONTINUED

Capital Habeas Management

The Ninth Circuit has become the leader in controlling costs for complex capital habeas cases through better management and budgeting. The circuit offers case management training for judges and attorneys and provides electronic tools to plan for and track expenses and monitor case status. The result has been a savings to taxpayers of some \$3 million annually.

This success has prompted plans for a new national initiative that will apply Ninth Circuit methods to management of the growing number of federal direct death cases and to “mega” criminal cases involving multiple defendants and/or other challenges. The Defender Services Committee of the Judicial Conference U.S. is overseeing the effort and is expected to provide funding for a three-year pilot program involving the Ninth, Second and Sixth circuits. The money will be used to hire special case budgeting attorneys in each circuit to assist judges presiding over or reviewing these difficult cases. The Ninth Circuit’s Capital Case Committee, chaired by District Judge David O. Carter of the Central District of California, will oversee the Ninth Circuit program.

Alternative Dispute Resolution

The Ninth Circuit Committee on Alternative Dispute Resolution released in May a publication designed to assist federal judges and attorneys in developing educational programs focusing on arbitration, mediation and other means of resolving legal conflicts.

The “Education Programs on Court-Sponsored ADR: Model Programs and Guide to Resources,” offers numerous ideas on how to organize and implement ADR educational programs. It is intended for use by those planning bench-bar events, such as the annual conferences held by many of the federal district courts within the circuit.

The guide was developed by the committee and two non-profit groups, the Western Justice Center Foundation, and the Judicial Arbitration and Mediation Services (JAMS) Foundation. The collaboration was led by Senior Circuit Judge Dorothy W. Nelson, who chairs the committee and the governing board of the Western Justice Center Foundation.

Jury Instructions

The Ninth Circuit Jury Instructions Committee completed a major revision of the Manual of Model Civil Jury Instructions. This effort was led by the committee’s



The “Education Programs on Court-Sponsored ADR: Model Programs and Guide to Resources,” developed by the ADR Committee, the Western Justice Center Foundation and the Judicial Arbitration and Mediation Services Foundation, was released in May.

chair District Judge George King of the Central District of California who completed five years of service on the committee in September 2006. The main focus of the committee for 2007 will be to undertake a revision of the Manual of Model Criminal Jury Instructions. On an ongoing basis the committee also reviews new decisions of the Ninth Circuit and United States Supreme Court that may affect the model jury instructions, and revises the instructions if needed. The committee considers suggestions from judges, staff, and practitioners. The Ninth Circuit model civil and criminal jury instructions can be accessed on the web site of the Office of the Circuit Executive at <http://www.ce9.uscourts.gov>.

Pro Se Litigants

The Pro Se Committee was established in 2006 to carry on the work begun by the Ninth Circuit’s Task Force on Self-Represented Litigants. The new committee, chaired by Magistrate Judge Edward Chen of the Northern District of California, will assist courts in the circuit in implementing the task force recommendations. The goals of the committee are to respond to requests from district and bankruptcy courts for assistance with management of pro se cases, and to suggest and develop innovations with respect to case management and access to the courts. In addition to presenting an annual Pro Se Conference for designated judges and pro se law clerks, the committee will assist with training and educational programs and materials, strategies for appointment of pro bono counsel in meritorious pro se civil cases, development of appropriate software and case management systems, and collaboration with correctional systems and prosecutorial agencies. ○ ○ ○

2006 NINTH CIRCUIT JUDICIAL CONFERENCE

The 2006 Ninth Circuit Judicial Conference, held July 10-13 at the Hyatt Regency Hotel in Huntington Beach, Calif., focused on "Seismic Shifts in the Law and in Our Lives." The educational program included panel presentations on sentencing, juries, natural disasters, court security, disaster planning, and judicial wellness.

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

Ninth Circuit Chief Judge Mary M. Schroeder officially opened the conference with a state of the circuit speech, touching on a variety of topics, including sporadic attempts by some in Congress to split the circuit.

"The view of the overwhelming majority of our circuit judges, district and bankruptcy judges is that the circuit should not be divided," Judge Schroeder said, citing as example, a published letter signed by 33 of 47 active and senior circuit judges opposed to the split.

Three Justices Participate

The 2006 conference was particularly noteworthy for the participation of three justices of the Supreme Court of the United States. Making his first appearance at a Ninth Circuit conference was Chief Justice John G. Roberts, Jr., who offered remarks on his first year on the bench of the nation's highest court. He also participated in the "Conversation with the Chief Justice" segment fielding questions from Magistrate Judge Sandra M. Snyder of Fresno and Chief District Judge Robert S. Lasnik of Seattle, conference chair and program chair, respectively, of the Conference Executive Committee, and attorney Peg Toledo of Sacramento, chair of the circuit's Lawyer Representatives Coordinating Committee.

Associate Justice Anthony M. Kennedy was present as the new designated justice for the Ninth Circuit, replacing retired Justice Sandra Day O'Connor. Justice



Chief Justice John G. Roberts, Jr., making his first visit to a Ninth Circuit conference, shared anecdotes and impressions from his first year on the nation's highest court. Associate Justice Stephen G. Breyer, shown below, participated in a discussion of sentencing alternatives.



2006 NINTH CIRCUIT JUDICIAL CONFERENCE CONTINUED



Associate Justice Anthony M. Kennedy addressed the conference and participated in his own "Conversation with the Justice" segment. Now the designated justice for the Ninth Circuit, Justice Kennedy is shown here with, from left, Circuit Judge Consuelo M. Callahan, Chief Judge Mary M. Schroeder, and Seattle attorney Merrilee MacLean.

Kennedy was welcomed at a special reception and later participated in a "Conversation with the Justice" segment featuring Circuit Judge Consuelo Callahan of Sacramento, and attorney Merrilee MacLean of Seattle, a member of the circuit's Advisory Board.

Associate Justice Stephen Breyer also attended the event and received an impromptu invitation to join a panel discussing the difficulties in deciding sentences. Also participating were U.S. Sentencing Commission Chairman District Judge Ricardo Hinojosa of the Southern District of Texas, attorney Cristina C. Arguedas, and U.S. Attorney Carol Lam of San Diego.

Varied Educational Program

Two conference segments sessions focused on enhancing the performance of juries. "Jury Reform: Making a Great System Better, or Fixing What Isn't Broken?" examined state and federal efforts to improve jury utilization. Panelists for the session included Chief District Judge Vaughn R. Walker of the Northern District of California and District Judge Susan R. Bolton of the District of Arizona, chair of the circuit's Jury Trial Improvement Committee. A second session on "Jury Reform: Are Seismic Changes Warranted?" continued the discussion, with attorney Patricia Lee Refo as keynote speaker.

Other panels centered on preparation for and recovery after catastrophes. The session "Giants in the Earth: Current Thinking on Earthquakes, Tsunamis and Volcanoes," featured scientists from the U.S. Geological

Survey and Southern California Earthquake Center discussing advances in our understanding of seismic events and risk analysis with respect to earthquakes, volcanic activity, and tsunamis. "Disaster Planning: Dealing with the Daze After" featured remarks from Circuit Judge Carolyn Dineen King of the U.S. Court of Appeals for the Fifth Circuit and several attorneys involved in the struggle to rebuild the legal systems in New Orleans after Hurricane Katrina in 2005. ○ ○ ○



Magistrate Judge Sandra M. Snyder of Fresno was the first magistrate judge to chair a Ninth Circuit Judicial Conference.

CONFERENCE AWARD PRESENTATIONS

The Ninth Circuit Judicial Conference provides an opportunity to recognize outstanding service to the legal profession and judicial system. Awards given 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's opening session. The following winners were announced for 2006:

Ninth Circuit Professionalism Award

Chief Justice Gerry L. Alexander of the Washington Supreme Court received the 2006 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." The award was presented by Chief Justice Ruth V. McGregor of the Arizona Supreme Court, a trustee of the American Inns of Court.

Justice Alexander has more than 30 years of service to the state courts of Washington. He was county superior court judge from 1973 to 1984 and a judge of the Washington Court of Appeals from 1985 to 1994. Elected to the Washington Supreme Court in 1994 and re-elected in 2000, he has served as chief justice, elected by his colleagues, since 2001, making him the state's longest serving chief justice.

Justice Alexander currently chairs the Advisory Commission on Washington Law Reports, the Bench-Bar-Press Committee of the State of Washington, and the Board for Judicial Administration. He is a cofounder and board member of the Washington Courts Historical Society and an emeritus member of the Board of Visitors of the Seattle University School of Law.

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. Inns are intended to improve the skills, professionalism and ethics of the bench and bar.



Chief Judge Mary M. Schroeder joined Arizona Supreme Court Chief Justice Ruth V. McGregor, a trustee of the American Inns of Court, and Washington Supreme Court Chief Justice Gerry L. Alexander, recipient of the American Inns of Court Ninth Circuit Professionalism Award.

John P. Frank Award

Esteemed attorney Shirley Mount Hufstedler received the John P. Frank Award, recognizing an outstanding lawyer practicing in the federal courts of the western United States. The award is named for the late John P. Frank of Arizona, a distinguished attorney, author, law professor, civil liberties advocate and legal historian. It was presented by Terry W. Bird, Esq., chair of the Ninth Circuit Advisory Board, and accepted on Ms. Hufstedler's behalf by the Hon. Dennis M. Perluss, presiding justice of Division Seven of the California State Court of Appeal.

Ms. Hufstedler began her legal career in 1950 as a private practitioner in Los Angeles. She was appointed a judge of the Los Angeles County Superior Court in 1961, and

CONFERENCE AWARD PRESENTATIONS CONTINUED

an associate justice of the California Court of Appeal in 1966. Nominated by President Johnson and confirmed by the Senate in 1968, she served on the Ninth Circuit Court of Appeals for 11 years before accepting an appointment by President Carter as the first U.S. Secretary of Education. In 1981, Ms. Hufstедler returned to private life, teaching and practicing law. She was a partner in the firm Hufstедler & Kaus, now merged into Morrison & Foerster, where she is currently senior of counsel.

Alternative Dispute Resolution

David E. Lombardi, Jr., chief circuit mediator of the Ninth Circuit Court of Appeals, was selected the 2006 recipient of the Robert F. Peckham Award for Excellence in Alternative Dispute Resolution, recognizing judicial employees who have significantly advanced the delivery of effective court-based ADR programs in the circuit. Mr. Lombardi has headed the Ninth Circuit mediation program since 1992. He leads a staff of experienced attorneys who help resolve cases emerging from the district courts, reducing the appellate court's workload.

The Straus Institute for Dispute Resolution at the Pepperdine University School of Law received the Ninth Circuit ADR Education Award recognizing law schools that have significantly advanced ADR scholarship and research. The Straus Institute provides basic and advanced curricula for students each year and professional education programs in negotiation, mediation and arbitration for lawyers, judges and other mid-career professionals .

Senior Circuit Judge Dorothy W. Nelson, chair of the Ninth Circuit's Alternative Dispute Resolution Committee, presented the awards to Mr. Lombardi and Professor Thomas Stipanowich of the Straus Institute.

Director's Award

W. Samuel Hamrick, Jr., district court clerk for the Southern District of California since 2002, received the 2005 Director's Award for Outstanding Leadership from the Administrative Office of the United States Courts. Mr. Hamrick was recognized for improving services and support to the courts while consolidating functions and saving money, especially in the area of court facilities. He was also instrumental in the development and planning his court's continuity of operations plan, the introduction of a redundant data storage area network for two courthouse locations, and in the start-up of a recruitment program directed at local universities. The award was presented by James C. Duff, director of the Administrative Office of the U.S. Courts. ○ ○ ○



Senior Circuit Judge Dorothy W. Nelson, chair of the circuit Committee on Alternative Dispute Resolution, presented Chief Circuit Mediator David E. Lombardi, Jr., with the Robert F. Peckham Award for Excellence in ADR.



District Clerk W. Samuel Hamrick, Jr., of the Southern District of California, left, receives the 2005 Director's Award for Outstanding Leadership from James C. Duff, director of the Administrative Office of the United States Courts.

DEVITT AWARD PRESENTATION

Senior Judge J. Clifford Wallace, chief judge emeritus of the Ninth Circuit Court of Appeals, a respected jurist, judicial administrator and international ambassador for the rule of law, received the American Judicature Society's 2005 Edward J. Devitt Distinguished Service to Justice Award in October in San Diego.

Associate Justice Anthony M. Kennedy of the Supreme Court of the United States presented the award to Judge Wallace before a crowd of several hundred colleagues, friends and other well-wishers who filled the Spreckels Theater in downtown San Diego.

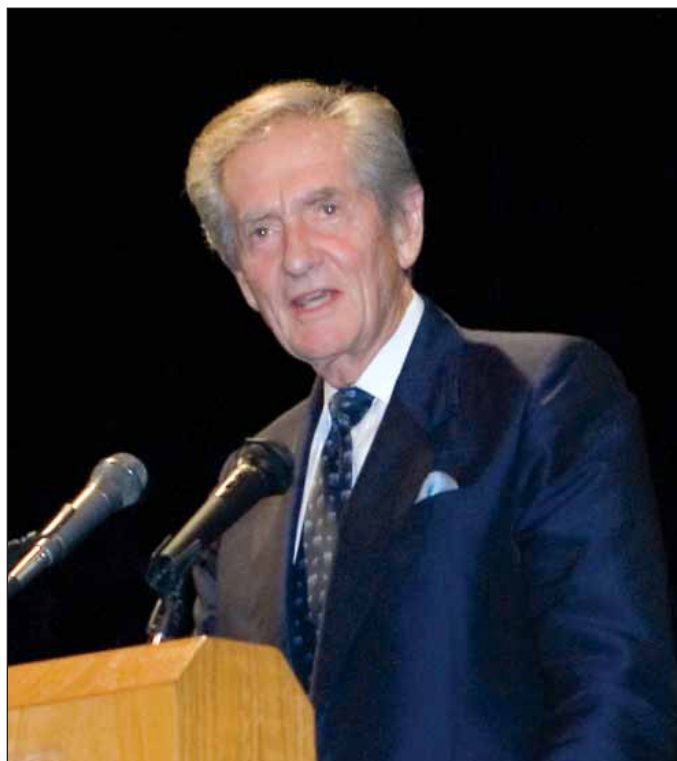
"No one could be a better teacher and a better symbol for what the award means," Justice Kennedy said of Judge Wallace, later adding that the honor was presented "on behalf of admiring colleagues, by your friends, by a grateful public and by judges around the world."

The Devitt Award, which is generally regarded as the most prestigious honor conferred on a member of the federal judiciary, recognizes "significant contributions to the administration of justice, the advancement of the rule of law, and the improvement of society as a whole."

Judge Wallace has had a remarkable 50-year career in the law, mostly as a federal judge. He was appointed a U.S. district judge in San Diego in 1970 by President Nixon. Elevated to the Ninth Circuit Court of Appeals in 1972, Judge Wallace served for 24 years as an active judge on the nation's largest federal appellate court, the last five in an executive role as chief circuit judge. He took semi-retired "senior status" in 1996, but continues to hear appeals and fulfill other court duties.

In addition to significant contributions as a jurist, Judge Wallace has served with distinction in various administrative roles at the highest levels of the federal judiciary. He received appointments from two chief justices of the Supreme Court to serve on important committees of the Judicial Conference of the United States, the national governing body for the federal courts.

His original idea and subsequent work with the late Chief Justice Warren E. Burger led to the establishment of the American Inns of Court, a national organization that now claims 75,000 members dedicated to excellence, civility,



Associate Justice Anthony M. Kennedy passes the crystal obelisk Devitt Award to Judge Wallace. Looking on are Elder Dallin Oaks, a retired justice of the Utah Supreme Court, left, American Judicature Society President Neal Sonnett.

professionalism, and ethics in the practice of law. And as chief judge of the Ninth Circuit from 1991 to 1996, he organized the first federal task force to study racial, religious, ethnic and gender fairness within the court workforce and in the delivery of court services to the public.

Since 1972, Judge Wallace has been involved in the rule of law movement, which seeks to promote the concepts

DEVITT AWARD PRESENTATION CONTINUED

and ideals of an independent judiciary and impartial judicial system in developing countries around the world. He has worked directly with judiciaries in more than 50 countries on every continent. The Devitt selection panel said Judge Wallace has “found new dimensions for the role of senior judge. ... He continues to perform this pioneering work not only as a student of the law and of judicial systems, but as a compassionate, concerned human being.”

A San Diego native, Judge Wallace grew up in a low income neighborhood on the city's southeast side. Family circumstances required him to work from an early age and he held a variety of jobs before entering the Navy in 1946. After an honorable discharge from military service, he enrolled at San Diego State University, graduating in 1952 with honors and distinction. He received his LL.B. in 1955 from the University of California Boalt Hall School of Law, where he served on the California Law Review. He joined a San Diego law firm, where he specialized in civil trial matters and later became a partner, remaining in private practice until his nomination to the federal court by President Nixon in 1970.

In the local community, Judge Wallace has a long affiliation with the Boy Scouts of America, serving on the local chapter's board of directors and executive committee. A Mormon, he has been active in the Church of Jesus Christ of the Latter-day Saints, serving in local and



regional governing posts. He also was vice president of the San Diego County Bar Association.

AJS, founded in 1913, is an independent, national, nonpartisan organization of judges, lawyers, and other members of the public who seek to improve the justice system. The Devitt Distinguished Service to Justice Award, named for the late Edward J. Devitt, longtime chief judge of the U.S. District Court for the District of Minnesota, honors Article III judges whose careers have been exemplary, measured by their significant contributions to the administration of justice, advancement of the rule of law, and the improvement of society as a whole. It is administered by AJS with funding provided by the Dwight D. Opperman Foundation, Minneapolis. ○ ○ ○



RETIRED JUSTICE SANDRA DAY O'CONNOR SITS WITH NINTH CIRCUIT COURT OF APPEALS

In October, retired Associate Justice Sandra Day O'Connor of the U.S. Supreme Court sat with the Ninth Circuit Court of Appeals, serving on two panels hearing oral arguments at the James R. Browning U.S. Courthouse in San Francisco. Serving with her on the panels were Judges Pamela Ann Rymer and Sidney R. Thomas, pictured, and Susan P. Graber and Richard C. Tallman.

DOCUMENTARY FILM INSPIRES LAW DAY PROGRAM

Many federal courts in the Ninth Circuit set aside time each May to observe Law Day with educational programs for young students. The Northern District of California's program this year was particularly noteworthy for its subject matter, the life and times of Senior District Judge Thelton E. Henderson.

More than 400 students from schools in San Francisco and Oakland attended the program, which included a showing of a documentary film, "Soul of Justice: Thelton Henderson's American Journey," which chronicles the life of the San Francisco judge from his youth in the Watts section of Los Angeles, to his days as an African-American government lawyer in the 1960s, to his decisions on the federal bench.

"Particularly with the minority students, I hope I emerge as a kind of role model," Judge Henderson said. "When I graduated from law school, if I had said I wanted to be a federal judge, they'd have put me in a straight jacket. It was not conceivable at that time. It is conceivable today."

Following the screening of "Soul of Justice," students were able to ask questions of Judge Henderson and the film's producer/director Abby Ginzberg. Students then divided into groups to discuss issues of law raised in the film, such as civil rights, prison reform, and environmental protection.

Nearly 190 eighth-grade students attended Law Day at the Philip Burton Federal Building and U.S. Courthouse in San Francisco. In addition, approximately 250 high school students were at the event held at the Ronald V. Dellums Federal Building and U.S. Courthouse in Oakland.

The film recounts on how a knee injury sidelined Judge Henderson's college football career and caused him to focus on academics. That in turn led him to his acceptance at Boalt Hall School of Law at the University of California in Berkeley. While at Boalt, he was recruited for a job at the Department of Justice as the Kennedy administration investigated the effects of racial segregation in the South.

The film depicted the forms of racial discrimination Judge Henderson observed while working in the South. It also discussed some of the judge's controversial decisions on issues such as prisoner abuse at Pelican Bay State Prison, the protection of dolphins during tuna fishing, and Proposition 209, the California voter initiative against affirmative action.

Especially struck by the 1960s era black-and-white film footage of police blasting fire hoses at and letting dogs loose on civil rights protestors, many students wanted to know specific details about Judge Henderson's personal



Senior District Judge Thelton E. Henderson joined by filmmaker Abby Ginzberg, left, and District Judge Sandra Brown Armstrong.

encounters with prejudice in the South. They also inquired about accusations of judicial activism, and his thoughts on the controversy surrounding California Proposition 209, seen by many as anti-affirmative action. After voters approved the measure in 1996, Judge Henderson issued a ruling blocking enactment, but was reversed by the Ninth Circuit Court of Appeals.

Several other federal judges also participated in the Law Day program, leading the courtroom discussions with the help of local attorneys, representatives of government agencies, and other volunteers. In Oakland, they included Senior District Judge D. Lowell Jensen, Bankruptcy Judge Leslie J. Tchaikovsky and District Judge Claudia A. Wilken. In San Francisco, the sessions were led by Senior District Judge Marilyn Hall Patel and Magistrate Judges Maria-Elena James and Elizabeth D. Laporte.

Participating schools this year were Oakland Technical and McClymonds high schools of Oakland; Piedmont High School of Piedmont; Richmond High School of Richmond; Acalanes High School of Walnut Creek. Students from the K-8 campuses of Park Day School in Oakland and Windrush School in El Cerrito also attended.

Students attending the program in San Francisco were from Claire Lilienthal Elementary School and Visitacion Valley Middle School, both of San Francisco. ○ ○ ○

IDEAS SET FORTH FOR MANAGING IMMIGRATION CASELOAD

As the federal circuit court with the most immigration appeals, the Ninth Circuit Court of Appeals has been working hard to find innovative new ways to expedite the legal process while continuing to respect the rights of would-be residents and asylum seekers. In 2006, that effort included “brainstorming” sessions with some of the most knowledgeable attorneys in the immigration field.

Dozens of lawyers from five western states participated in meetings held in May and October at the James R. Browning U.S. Courthouse in San Francisco. The group included staff attorneys from the court of appeals, federal immigration judges, and representatives of law schools, legal aid societies, bar association groups, law firms specializing in immigration, and major corporate law firms with pro bono programs.

The wide-ranging discussions produced a variety of ideas. The most promising of them involves mentoring and training of pro bono attorneys to represent immigrant appellants.

Efforts are currently under way to obtain funding to provide an independent staff person outside of the court to focus on mentoring. Suggestions also were received to supplement the Ninth Circuit program by adding mediation, amicus briefs, remands to the agency, and more extensive use of law school clinics and pro bono agencies.

Helping organize the sessions were Ninth Circuit Supervising Attorney Susan Gelmis and Sacramento attorney Peg Carew Toledo of Orrick, Herrington & Sutcliffe LLP, chair of the Lawyer Representatives Coordinating Committee, which represents the federal bar in the Ninth Circuit’s 15 judicial districts in nine western states and two Pacific Island jurisdictions.

The Ninth Circuit’s immigration caseload had been rising at a phenomenal rate, increasing 626 percent from 2001 to 2005. And while appeals of actions taken by the Board of Immigration Appeals, or BIA, were down in 2006, they continue to amount to 37.4 percent of the total appeals filed with the court. The problem is compounded by the fact that 35 to 40 percent of all appeals are filed pro se, meaning without benefit of legal counsel.

The court has implemented various innovations to manage the influx of immigration cases. It initially adopted a general order establishing a streamlined notification system for stays of removal and providing for oral extensions of time limits to respond to motions. Extensive screening of immigration cases was begun so

that the court could identify and simultaneously process multiple cases having common issues. The court also has sponsored a number of immigration workshops for attorneys new to immigration law and/or appellate practice.

When available, pro bono attorneys are assigned to immigration cases recognized to have merit and guaranteed the opportunity to make oral arguments before an appellate panel. The guarantee of oral argument does not apply to cases in which lawyers are needed to facilitate mediation at the court. And when cases with merit or potentially meritorious claims are remanded to the agency



for further proceedings, the court does not appoint lawyers for proceedings in other courts or agency proceedings.

Among the panelists participating in the brainstorming sessions was U.S. Immigration Judge Dana Leigh Marks of San Francisco, a former president and current vice president of the National Association of Immigration Judges, who offered insight into the demanding work of immigration judges. In her prepared remarks, she described immigration court proceedings a “strange hybrid of administrative, civil, and criminal law.” The court is technically an administrative tribunal, but is not governed by the APA, lacks formal discovery and provides for most decisions to be delivered orally, immediately after a proceeding.

Another panelist was San Francisco attorney Marc Van Der Hout, who specializes in immigration law and sits on the board of governors of the American Immigration Lawyers Association. He encouraged continuing efforts to identify

key cases that, once decided, can set precedent guiding the resolution of hundreds of others. Other cases should be held in abeyance until the precedent-setting ones are decided, he added.

Public and non-profit agencies represented at the sessions included the University of California at Davis School of Law and its Immigration Clinic; the University of Arizona’s Immigration Law Clinic; the University of Idaho College of Law’s Legal Aid Clinic; the Legal Access Program operated by the U.S. Department of Justice’s Executive Office for Immigration Review; the Legal Aid Society of San Diego; the Northwest Immigrant Rights Project in Seattle; the Public Law Center in Santa Ana; the Florence Immigrant and Refugee Rights Project in Arizona; the Los Angeles County Bar Association; the Public Counsel Law Center; and, from San Francisco, the Lawyers’ Committee for Civil Rights, the Immigration Legal Resource Center and the Asian Law Caucus. ○ ○ ○



The immigration brainstorming session, held in May at the James R. Browning U.S. Courthouse in San Francisco, drew dozens of attorneys knowledgeable in immigration law.

2006 NATIONAL GANG SYMPOSIUM

Pretrial services and probation officers for the Central District of California hosted the federal judiciary's first ever National Gang Symposium, focusing on sharing knowledge of gang behavior, trends, and technology, and resources for identification and supervision. More than 300 pretrial and probation officers from districts across the country attended the May 31-June 2 event in Los Angeles.

Guest speakers included Central District Chief District Judge Alicemarie H. Stotler, Los Angeles County Sheriff Leroy D. Baca, Los Angeles Police Department Assistant Chief Jim McDonnell, and Probation Administrator Michelle Diblasi.

Gang specialists from local, state, and federal agencies served as presenters, speakers, and facilitators throughout the event. They included Los Angeles city and county police detectives, special agents from the California Department of Corrections and the Federal Bureau of Prisons, agents from the Federal Bureau of Investigation and members of the U.S. Marshals Service.

Discussions focused on racially- and ethnic-based gangs on the West and East coasts, including those operating in prisons, and criminal enterprises involving motorcycle gangs, and successful prosecutions under the federal Racketeer Influenced and Corrupt Organizations (RICO) statute.

The conference closed with presentations on gang-offender monitoring using global-positioning satellite tracking device, creation of gang affiliation databases and officer safety. ○ ○ ○



Federal and local law enforcement officers enhanced their knowledge of gangs at a National Gang Symposium sponsored by the U.S. Pretrial Services and Probation offices for the Central District of California.

CENTRAL DISTRICT OF CALIFORNIA CELEBRATES 40TH ANNIVERSARY



2006 marked the 40th anniversary of the U.S. District Court for the Central District of California. To celebrate the milestone, Southwestern Law School in Los Angeles hosted a one-day symposium for the bench, bar and law students. Federal judges from the district court and the Ninth Circuit Court of Appeals participated on panels that discussed historical change in the court and community, desegregation and the emergence of entertainment and technology law. Pictured above are Chief District Judge Alicemarie H. Stotler and Southwestern Dean Bryant Garth.

Space and Facilities



Courtrooms in the new Eugene courthouse feature natural lighting.

EUGENE COURTHOUSE DEDICATED

A new federal courthouse in Eugene, Oregon, and a courthouse renovation and seismic retrofit in Seattle topped the list of space and facilities projects completed or undertaken in the Ninth Circuit in 2006.

In the eyes of many, the Wayne Lyman Morse U.S. Courthouse in Eugene has set a new standard for modern public buildings. The new courthouse features a strikingly unique design with curving walls, an emphasis on natural lighting and the latest in energy conserving technology. The building has been nominated for a number of architectural awards and been recognized by the U.S. Green Building Council.

Renowned architect Thom Mayne supervised the design with considerable input from the senior federal judge in Eugene, District Judge Michael R. Hogan, who also helped recruit well-known artists to create several original works for the building. The General Services Administration managed the \$92-million project overall.

Built on 4.5 acres of land along the Willamette River in downtown Eugene, the new courthouse rises to a height of 69 feet and has 270,000 square feet of gross space on five floors, plus one level of secure parking. It provides six courtrooms, two apiece for district, bankruptcy and magistrate judges, and seven judicial chambers, plus office space for the district and bankruptcy clerks, the U.S. attorney and U.S. Marshals Service, and other federal tenants.



Students cut the ceremonial ribbon opening the new courthouse, top. District Judge Michael R. Hogan, closely involved in all aspects of the courthouse design and construction, was among the speakers.

NINTH CIRCUIT SPACE AND SECURITY COMMITTEE

The Space and Security Committee acts on behalf of the Judicial Council of the Ninth Circuit with oversight responsibilities of judiciary policies and guidelines in all matters related to space and security. This committee is responsible for reviewing and approving all new projects including major prospectus projects and lease build-to-suits, lease renewals, space expansions and releases, parking, furniture expenditures over the cost ceilings, and expenditures of funding for construction.

The committee also is the liaison with the General Services Administration (GSA) assisting court units to resolve issues related to space and security and to ensure that court's requirements are met in all building projects. This committee also works closely with the Administrative Office of the United States Courts ensuring that Ninth Circuit projects receive priority and funding as required.

In 2006, the committee, chaired by District Judge Stephen M. McNamee of the District of Arizona, was focused on the challenges facing new courthouses in San Diego and Los Angeles. Costs for both projects have risen dramatically as a result of increased demand for building materials and services. The committee also has been involved in discussions with the GSA, members of Congress and congressional staff about controlling the rent paid by the judiciary for courthouses and other facilities.

During the year, the committee also monitored other projects, including renovation and seismic retrofitting of the Nakamura U.S. Courthouse in Seattle; bidding for a new courthouse in leased space in Great Falls, Mont.; and site selection for another leased space courthouse in Bakersfield.



The courthouse's striking design has already won several architectural prizes. The project included more than \$1 million in public art, including two long light boxes with lenticular glass showing different images, depending on where the viewer stands, and a geometrically challenging metal sculpture at the building entrance.

More than 500 people attended the Dec. 1 dedication ceremony. Remarks were made by U.S. Senator Gordon Smith and Rep. Peter DeFazio of Eugene, District Judge Stephen M. McNamee of Arizona, chair of the Ninth Circuit Space and Security Committee, Eugene Mayor Kitty Piercy, Mr. Mayne and Judge Hogan. GSA Regional Administrator Jon Kvistad managed the program. The building's namesake, the late Wayne Lyman Morse, is a former University of Oregon Law School dean who represented the state in the U.S. Senate from 1945 until 1969. He served as a Republican, an independent and a Democrat during his 24 years in office and is remembered as an outspoken lawmaker who would take unpopular positions based on his principles.

Eugene officials are hoping the courthouse will help trigger new economic development in the city's oldest industrial area. They have gone so far as to designate the area as the "Courthouse District," which will eventually



connect the downtown to the riverfront areas.

In Seattle, the GSA began work late in the year on the renovation and seismic retrofit of the 66-year-old William Kenzo Nakamura U.S. Courthouse. The building, which formerly housed the U.S. District Court for the Western District of Washington, will be used in the future by the Ninth Circuit Court of Appeals. Ninth Circuit judges with resident chambers in Seattle have participated in planning the project, which has a budget of \$51 million and is scheduled for completion in fall 2008.

The Ninth Circuit Court of Appeals has been hearing cases in Seattle since the early 1970s. The court now meets regularly in Seattle, hearing argument in about 350 cases per year, most of them from Washington, Idaho and Montana with additional filings from Alaska and Oregon. Its judges and courtroom along with offices for the clerk of court and circuit mediator are currently located in leased space in the downtown area.

The project will include restoring the courtrooms and other interior spaces. Historic items such as furniture, paneling, fixtures and doors have been removed and will be carefully stored during construction. Some historic



Built in 1940, the Nakamura U.S. Courthouse in Seattle was the first building designed to serve as a standalone federal courthouse in the country.

pieces will need to be repaired and restored before being returned to the courthouse.

The Nakamura U.S. Courthouse was completed in 1940. Its design exemplifies the federal government's austere interpretation of the art deco style. It was the first building in the West designed specifically as a federal courthouse and, at the time, only the second single-use courthouse in the nation. The courthouse was listed in the National Register of Historic Places in 1980, for its national and local significance.

The courthouse was rededicated in 2001 in the name of Private First Class William Kenzo Nakamura of Seattle, who was awarded the Medal of Honor for his heroism in World War II. ○ ○ ○

COURTHOUSES IN DESIGN PHASE

GREAT FALLS



GREAT FALLS
U.S. COURTHOUSE
GROSS SQUARE FOOTAGE: 48,411
PROJECT COMPLETION DATE: 2009
ARCHITECTS: BC DEVELOPMENT WITH
HOEFER WYSOCKI ARCHITECTS, LLC



COURTHOUSES IN DESIGN PHASE CONTINUED

SAN DIEGO



SAN DIEGO
U.S. COURTHOUSE
GROSS SQUARE FOOTAGE: 619,644
ARCHITECTS: RICHARD MEIER &
PARTNERS

LOS ANGELES



LOS ANGELES
U.S. COURTHOUSE
GROSS SQUARE FOOTAGE: 1,016,300
ARCHITECTS: PERKINS & WILL ARCHITECTURE

The Work of the Courts



Judges of the United States Court of Appeals for the Ninth Circuit

COURT OF APPEALS STATISTICS

The number of appeals filed with the U.S. Court of Appeals for the Ninth Circuit declined for the first time in five years. The court reported 13,828 new filings in 2006, down 14.1 percent from 2005. Appellate filings were down 9 percent nationally with every appellate court in the country reporting a decrease. The Ninth Circuit continued to have the largest share of new filings, 21.7 percent of the national total.

The downturn in new Ninth Circuit filings is attributable to a drop off in immigration appeals, which had increased by 626 percent from 2001 to 2005. Appeals of actions taken by the Board of Immigration Appeals, or BIA, numbered 5,166 in 2006, down 22 percent from the year before. BIA appeals continued to constitute the largest category of new appeals, amounting to 37.4 percent of the total filings.

Immigration appeals had grown phenomenally for both the Ninth Circuit and Second Circuit since 2002, when the

TABLE 1: Appellate Caseload Profile, 2005-2006

	2005	2006	Change 2005-2006
Filings	16,101	13,828	-14.1%
Terminations	13,363	13,470	0.8%
*Pending Cases	16,793	17,151	2.1%

**Total pending cases for calendar year 2005 revised.*

Immigration and Naturalization Service (now the U.S. Citizenship and Immigration Service, a part of the Department of Homeland Security) was ordered to clear a backlog of cases involving foreign nationals denied residency in the U.S. by a federal immigration judge. Would-be immigrants can appeal such decisions, first to BIA, then to a federal circuit court. The BIA instituted an expedited review system, often rendering decisions with minimal explanation, virtually assuring subsequent appeal

TABLE 2: Filings, Terminations and Pending Cases by Appeal Type, 2006

Type of Appeal	2005 Filings	2006 Filings	Change 2005-06	% of Circuit Total	2005 Terminated	2006 Terminated	Change 2005-06	2005 Pending	2006 Pending	Change 2005-06
Civil										
U.S. Prisoner Petitions	605	390	-35.5%	2.8%	592	413	-30.2%	375	357	-4.8%
Private Prisoner Petitions	2,192	2,277	3.9%	16.5%	2,008	2,004	-0.2%	1,644	1,918	16.7%
Other U.S. Civil	682	633	-7.2%	4.6%	661	528	-20.1%	746	852	14.2%
Other Private Civil	2,149	2,067	-3.8%	14.9%	2,106	1,867	-11.3%	2,588	2,786	7.7%
Criminal										
Criminal	2,553	2,155	-15.6%	15.6%	1,987	2,407	21.1%	2,556	2,306	-9.8%
Other										
Bankruptcy	180	143	-20.6%	1.0%	205	155	-24.4%	236	224	-5.1%
Administrative Appeals	6,870	5,340	-22.3%	38.6%	4,965	5,276	6.3%	8,419	8,486	0.8%
*Original Proceedings	870	823	-5.4%	6.0%	839	820	-2.3%	218	222	1.8%
Circuit Total										
Circuit Total	16,101	13,828	-14.1%		13,363	13,470	0.8%	16,782	17,151	2.2%
National Appellate Total										
National Appellate Total	70,003	63,676	-9.0%		63,024	67,699	7.4%	59,569	55,253	-7.2%
Ninth Circuit as % of National Total										
Ninth Circuit as % of National Total	23.0%	21.7%	1.3%		21.0%	19.9%	1.1%	28.2%	31.0%	2.9%

**This table includes appeals reopened, remanded, and reinstated (after being terminated due to procedural defaults) as well as original appeals.*

TABLE 3: Median Time Intervals, Calendar Years 2005 and 2006

By Stage of Appeal	Number of Months			
	Ninth Circuit		National	
	2005	2006	2005	2006
From Notice of Appeal to Filing Last Brief	6.0	6.1	5.6	5.8
From Filing Last Brief to Hearing or Submission	6.0	6.6	4.3	4.2
From Hearing to Final Disposition	1.3	1.2	2.2	2.1
From Submission to Final Disposition	0.2	0.2	0.5	0.5
From Filing of Notice of Appeal to Final Disposition	16.6	15.5	12.1	12.1
From Filing in Lower Court to Final Disposition in Appellate Court	33.0	34.2	27.2	27.4

to the circuit court. What had been a small but steady stream of cases turned into a torrent of litigation over five years.

Breakdown of New Appeals

Among the various categories of appeals filed, the largest was administrative appeals, which includes BIA appeals. They numbered 5,340 or 38.6 percent of all new filings in 2006.

Criminal appeals, which took a big jump in 2005, were down 15.6 percent in 2006. Total criminal filings for the year were 2,155. The most numerous criminal appeals involved drug offenses with 678 filings, criminal immigration offenses with 499 filings, property offenses with 306 filings, and firearms and explosives offenses with 220 filings.

Total civil appeals for the year were 5,367. The federal government was either a plaintiff or defendant in 1,023 of those cases, or 19 percent. Private cases numbered 4,344, or 81 percent. Among private cases, prisoner petitions constituted the largest single category with 2,277 filings, up 3.9 percent from the prior year. Civil rights appeals ranked second with 836 filings.

Original proceedings filed in 2006 numbered 823 cases and amounted to 6 percent of the circuit total, down from 2005.

District Courts as Sources of Appeals

Appeals of cases originating in the federal district courts in the circuit numbered 7,522 in 2006, down 8 percent from the prior year. The Central District of California, one of the busiest federal trial courts in the nation, once again generated the largest number of appeals for the circuit, 2,020, or 14.6 percent of the total. The Central District's 2006 total was down 12.7 percent from the prior year. The court

serves some 18 million people living in seven Southern California counties.

Three districts generated more appeals in 2006. The number of appeals from the District of Montana increased to 37.6 percent to 384 filings, followed by the District of Idaho with 25.8 percent to 151 filings, and the District of Northern Mariana Islands to 7.7 percent to 13 filings.

Terminations and Pending Cases

The number of appeals terminated by the court numbered 13,470 in 2006, up 0.8 percent, while the number of pending cases rose 2.1 percent to 17,151.

Among appeals terminated, administrative appeals ranked first with 5,276 or 39 percent; criminal appeals second with 2,407 or 17.9 percent; private prisoner appeals third with 2,004 or 14.9 percent; and other private civil fourth with 1,867 or 13.9 percent. Of the appeals terminated, 6,639 cases involved procedural terminations by judges and court staff. Another 6,421 cases were terminated on the merits, 1,774 cases after oral argument and 4,647 cases after submission of briefs. Cases disposed of by consolidation numbered 410.

Median Time Intervals

Median time intervals, which measure how long it takes for a case to proceed through the judicial system, improved at the appellate level. The median time interval from filing of a notice of appeal to final disposition of a case by the Ninth Circuit Court of Appeals was 15.5 months in 2006, compared to 16.6 the year before. However, the median time interval from the filing of a case in a lower court to final disposition by the Ninth Circuit grew longer, 34.2 months in 2006 compared to 33 months in 2005. The additional time was accrued by the lower courts.

COURT OF APPEALS STATISTICS CONTINUED

Median time intervals for the Ninth Circuit were longer than the national median times of 12.1 months from notice of appeal to final disposition of the case by a circuit court of appeals, and 27.4 months from filing of a case in a lower court to final disposition by a circuit court. The Ninth Circuit Court of Appeals had longer median time intervals for briefing and preparing the case for hearing or submission. Once heard in court or submitted on the briefs, however, the Ninth Circuit resolved cases more quickly than the national average.

TABLE 4: Source of Appeals and Original Proceedings, 2006

District	Appeals	% of Total
Alaska	105	0.8%
Arizona	784	5.7%
C. Calif.	2,020	14.6%
E. Calif.	756	5.5%
N. Calif.	857	6.2%
S. Calif.	567	4.1%
Hawaii	181	1.3%
Idaho	151	1.1%
Montana	384	2.8%
Nevada	553	4.0%
Oregon	459	3.3%
E. Wash.	223	1.6%
W. Wash.	442	3.2%
Guam	26	0.2%
Northern Mariana Islands	14	0.1%
Bankruptcy	143	1.0%
Administrative Agencies, Total	5,340	38.6%
IRS	65	0.5%
National Labor Relations Board	23	0.2%
BIA	5,166	37.4%
Other Administrative Agencies	86	0.6%
*Original Proceedings	823	37.4%
Circuit Total	13,828	

**This table includes appeals reopened, remanded, and reinstated (after being terminated due to procedural defaults) appeals as well as original appeals. Administrative agency cases previously reported as immigration service (INS) are shown under Board of Immigration Appeals and U.S. Tax Court is shown under IRS.*

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. Pro se filings numbered 5,639 in 2006, down 8.4 percent from the prior year, but accounted for 40.8 percent of the appellate caseload. In 2005, pro se filings numbered 6,158 and accounted for 38.2 percent of the caseload. Private prisoner petitions and administrative appeals ranked first and second among categories of pro se filings with 1,907 and 1,883 cases, respectively.

The Ninth Circuit disposed of 5,171 pro se cases in 2006. While most of the cases were terminated on procedural grounds, 1,973 cases were decided on the merits, including 45 in which oral argument was heard.

Contributions by Senior Judges and Visiting Judges

Senior circuit judges continued to make a major contribution to the work of the Ninth Circuit Court of Appeals in 2006. In addition to serving on screening and motions panels and various administrative court committees, they participated in 32.3 percent of all cases terminated on the merits and were listed as authors in nearly 38 percent of those cases.

During the year, visiting judges were designated to sit on Ninth Circuit appellate panels, including 47 judges from district courts of the Ninth Circuit. ○ ○ ○

DISTRICT COURT FILINGS

Criminal and civil case filings in the district courts of the Ninth Circuit held steady in 2006, totaling 54,431, down 0.5 percent from the prior year. The 15 judicial districts of the circuit accounted for 16.2 percent of the total federal court caseload of 336,775 criminal and civil filings. Overall, national filings increased by 7 percent in 2006.

Criminal Filings, Terminations and Pending Cases

Criminal filings in district courts of the circuit numbered 12,672 in 2006, down 8.2 percent from the prior year. Criminal filings constituted 23.3 percent of the total district court filings in the circuit. The largest categories of criminal appeals were immigration offenses, which totaled 4,608 filings, or 36.4 percent, and drug offenses, which totaled 2,955 filings, or 23.3 percent.

Declines were reported in 12 of 19 categories of criminal filings and were most notable in the numbers of drug

offenses and firearms and explosives cases, down 12 and 12.5 percent, respectively, from the prior year. The largest increase numerically was seen in one type of immigration offense, illegal reentry by an alien, which numbered 2,813, up 27 cases, or 0.01 percent from 2005. These figures exclude transfer cases. They also reflect changes in the categorization of offenses by the Administrative Office of the U.S. Courts.

Nationwide, criminal filings (excluding transfers) were 66,094, down 3.5 percent from 68,488 in 2005. District

TABLE 5: Ninth Circuit District Courts - Total Criminal and Civil Cases Filed, Terminated and Pending During the 12-Month Period Ending December 31, 2006

	2005	2006	Change 2005-2006
Civil Filings	40,875	41,759	2.2%
Criminal Filings	13,808	12,672	-8.2%
Total Filings	54,683	54,431	-0.5%
Civil Terminations	41,796	40,800	-2.4%
Criminal Terminations	13,647	13,334	-2.3%
Total Terminations	55,443	54,134	-2.4%
*Pending Civil Cases	41,254	42,213	2.3%
*Pending Criminal Cases	13,061	12,399	-5.1%
*Total Pending Cases	54,315	54,612	0.5%
Civil Case Termination Index (in months)	11.84	12.42	4.9%
*Criminal Case Termination Index (in months)	11.48	11.16	-2.8%
*Overall Case Termination Index	11.76	12.11	3.0%
Median Months (from filing to disposition) Civil Cases	8.4	8.3	-1.2%
Median Months (from filing to disposition) Criminal Defendants	7.0	7.1	1.4%
Median Months National Total from filing to disposition) Civil Cases	9.6	7.9	-17.7%
Median Months National Total from filing to disposition) Criminal Defendants	7.0	7.1	1.4%

Note: Median time intervals computed only for 10 or more cases and only for 10 or more defendants. Median time intervals from filing to disposition of civil cases terminated, by district and method of disposition, excludes land condemnation, prisoner petitions, deportation reviews, recovery of overpayments and enforcement of judgments. Median time intervals from filing to disposition of criminal defendants disposed of, by district, excludes transfers.

*2005 Revised

DISTRICT COURT FILINGS CONTINUED

courts of the Ninth Circuit accounted for 19 percent of the national criminal caseload, down 1 percent from last year. They reported 28.8 percent of the criminal immigration cases and 17.1 percent of the drug offense cases filed nationally in 2006.

Significant decreases in criminal case filings were reported by 13 of 15 district courts in the circuit. The District of Arizona had the largest numerical decrease, reporting 3,500 filings in 2006, down 11.6 percent from the 3,959 cases filed the year before. Filings also decreased significantly from the prior year in the Central District of California, which had 1,087 new cases, down 19 percent; the Western District of Washington, which had 1,072

new cases, down 11.3 percent; and the Eastern District of California, which had 879 new cases, down 9.9 percent. The only increases in criminal case filings were reported by the Southern District of California, which saw filings rise 14.7 percent to 2,763 cases, and the District of Guam, up 6.8 percent to 126 cases.

New filings for immigration and drug offenses continued to be most numerous in the circuit's two "border courts" on the U.S.-Mexican border. Immigration and drug offenses made up 56 and 19 percent, respectively, of the caseload in Arizona, and 52.2 and 39.7 percent, respectively, of the caseload in the Southern District of California.

TABLE 6: Ninth Circuit District Courts - Weighted and Unweighted Filings Per Authorized Judgeship During the 12-Month Period Ending December 31, 2006

District	Authorized Judgeships	Unweighted Filings Per Judgeship				Weighted Filings Per Judgeship					
		Civil	Criminal	Supervised Release Hearings	Total	Civil	Criminal	Supervised Release Hearings	2006 Weighted Total	2005 Weighted Total	Change 2005-2006
Alaska	3	117	67	20.33	204	142	53	3.06	198	191	3.7%
Arizona	13	291	330	104.15	725	283	238	14.61	535	656	-18.4%
C. Calif.	28	387	53	31.29	472	469	46	4.43	519	546	-4.9%
E. Calif.	6	779	209	58.67	1,046	766	177	8.25	952	848	12.3%
N. Calif.	14	505	58	32.14	595	599	47	4.51	650	528	23.1%
S. Calif.	13	215	246	99.23	560	269	159	13.96	442	369	19.8%
Hawaii	4	170	113	36.50	319	229	90	5.17	324	371	-12.7%
Idaho	2	260	140	36.00	436	301	132	5.32	438	443	-1.1%
Montana	3	208	158	49.00	415	215	154	7.58	377	417	-9.6%
Nevada	7	318	89	31.29	438	406	79	4.48	490	485	1.0%
Oregon	6	390	132	48.50	570	443	109	6.96	559	579	-3.5%
E. Wash.	4	137	113	49.50	299	140	93	7.35	239	287	-16.7%
W. Wash.	7	363	201	37.14	601	412	139	5.74	557	611	-8.8%
Circuit Total	110	4,140	1,909	634	6,680	4,674	1,516	91.42	6,280	6,331	-0.8%
Circuit Mean	***	318	147	48.75	514	360	117	7.03	483	487	-0.8%
Circuit Median	***	291	132	37.14	472	301	109	5.74	490	485	1.0%
National Mean	***	334	129	31.70	495	369	105	4.60	478	480	-0.4%

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 Multi-district 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 terminations numbered 13,334 in 2006, down 2.3 percent from the prior year. The number of pending criminal cases decreased to 12,399, down 5.1 percent from 2005.

Civil Filings, Terminations and Pending Cases

Civil case filings in district courts of the Ninth Circuit in 2006 numbered 41,759, up 2.2 percent from 2005. It was the first upturn after five consecutive years in which civil filings had declined. The circuit accounted for 15.5 percent of the 270,171 civil filings in district courts

nationally in 2006, which were up 10 percent over the prior year.

Private civil cases accounted for 78.7 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 21.3 percent of the new filings. Prisoner petitions made up 31.4 percent of all new private civil cases, down slightly from the prior year. Other major categories of new civil filings were civil rights, 15.7 percent; personal injury of all types, 13.2 percent;

TABLE 7: Ninth Circuit District Courts - Types of Criminal Cases Commenced, by Major Offense and District (Excluding Transfers), 2006

	AK	AZ	Cent. Calif.	East. Calif.	No. Calif.	So. Calif.	HI	ID	MT	NV	OR	East. Wash.	West. Wash.	GU	NMI	Total
Violent Offenses																
Homicide	0	31	1	1	0	2	2	5	9	0	1	2	2	0	0	56
Robbery	6	9	31	14	10	13	13	2	0	37	51	3	12	0	0	201
Assault	3	104	9	12	2	21	11	9	25	6	4	5	6	2	0	219
Other	0	20	9	3	3	2	2	2	5	2	3	5	3	0	0	59
Property Offenses																
Burglary, Larceny & Theft	8	97	53	46	25	3	45	7	10	12	30	9	182	11	1	539
Embezzlement	5	12	13	1	11	7	11	5	5	3	5	3	11	0	0	92
Fraud	11	238	330	133	135	93	35	18	60	56	63	14	66	54	3	1,309
Forgery & Counterfeiting	2	6	35	16	3	0	2	2	3	6	4	4	3	0	0	86
Other	0	5	6	3	3	2	2	2	4	0	1	1	17	0	0	46
Drug Offenses																
Marijuana	1	360	2	47	23	698	37	2	7	1	16	9	33	1	0	1,237
All Other Drugs	38	300	112	159	71	400	103	33	70	95	113	45	161	15	3	1,718
Firearms and Explosives Offenses	25	196	86	79	57	16	29	31	77	100	91	91	86	16	0	980
Sex Offenses	10	56	61	78	31	11	11	15	41	19	37	15	23	1	0	409
Justice System Offenses	3	30	19	18	13	20	1	3	4	8	11	13	18	1	1	163
Immigration Offenses																
Improper Alien Reentry	7	1,635	163	192	97	334	4	63	26	80	43	148	21	0	0	2,813
Other	2	326	47	4	30	1,108	5	2	8	13	162	7	69	12	0	1,795
General Offenses	5	12	34	24	24	14	10	3	15	12	7	7	68	2	0	237
Regulatory Offenses	18	52	53	17	45	11	9	8	13	9	15	2	17	0	9	278
Traffic Offenses	9	2	2	25	18	0	14	0	0	0	0	1	259	9	0	339
All Offenses Total	153	3,491	1,066	872	601	2,755	346	212	382	459	657	384	1,057	124	17	12,576

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.

DISTRICT COURT FILINGS CONTINUED

contracts, 11.2 percent; and copyright, patent and trademark cases, 9.1 percent.

The largest category of civil filings in which the government was a party involved Social Security, 31.4 percent of the total. Motions to vacate sentence and prisoner petitions accounted for 10.2 and 8.6 percent, respectively, of the U.S. civil filings.

The Central District of California reported the largest number of new civil cases at 11,383, down 4.7 percent from 11,940 in 2005. The biggest increase in new civil filings was reported by the Northern District of California, which opened 8,171 new cases, up 46.2 percent from 5,589 cases in 2005.

Elsewhere in the circuit, increases in new civil filings were reported in the districts of Alaska, Arizona, Eastern, Northern and Southern California, Montana, Nevada, Guam and the Northern Mariana Islands. Decreases were reported by the districts of Hawaii, Idaho, Oregon and Eastern and Western Washington.

Civil case terminations numbered 40,800, down 2.4 percent from 41,796 in 2005. The number of pending civil cases was 42,213, up 2.3 percent from 41,254 the prior year.

Case Processing Times

Case processing times in the district courts of the Ninth Circuit's remained relatively stable in 2006. The Case Termination Index, which computes how long it would take to clear the pending caseload if the current termination rate remained constant, was 12.11 months in 2006, up from 11.76 months in 2005.

The median time from filing to disposition for civil cases was 8.3 months, a slight improvement over the 8.4 months reported in 2005. The national median time for civil cases was 7.9 months in 2006 compared with 9.6 months in 2005. For criminal cases, the median time from filing to disposition for the circuit and nationally was 7.1 months, up slightly from 7 months in 2005.

Visiting Judges

In 2006, district courts of the Ninth Circuit benefited from the work of 86 visiting judges. Of those, 80 were judges from courts within the circuit, and six were from courts outside the circuit. Sharing of judicial resources is a common practice among courts in the Ninth Circuit, helping to address workload imbalances and other situations. ○ ○ ○

BANKRUPTCY COURT FILINGS

After reaching record numbers in 2005, bankruptcy filings plummeted in 2006. Bankruptcy courts nationally reported 617,660 new filings, down 70.3 percent from the record 2,078,415 cases opened in 2005. Bankruptcy courts in the Ninth Circuit reported 78,505 filings, down 76.6 percent from 335,454 filings in 2005. The circuit accounted for 12.7 percent of the 2006 national filings.

The filing rush of 2005 was prompted by enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which went into effect in October of that year. The act was widely perceived to be more restrictive on debtors, prompting many people to file even though their financial situations may not have warranted seeking bankruptcy protection. That perception is believed to have persisted through much of 2006, contributing to the downturn in filings.

Non-business filings continued to make up the majority of new bankruptcy filings nationally and in the circuit. Non-business filings nationally totaled 597,965, or nearly 97 percent of the total filings in 2006. In the circuit, non-business filings numbered 75,090, or 95.6 percent of the total.

Filings under Chapter 7 of the Bankruptcy Code were the most common type of filing among both business and non-business filers. Chapter 7 filings nationally totaled 360,890, or 58.4 percent of the total. In the circuit, Chapter 7 filings numbered 58,215, or 74.2 percent.

Bankruptcy Filings by Chapter

As noted, the largest number of filings came under Chapter 7, which allows non-business filers to keep certain exempt property, including primary residences, while the remaining property is sold to pay creditors. Businesses filing under Chapter 7 are liquidated and terminated. In the Ninth Circuit in 2006, Chapter 7 was used by 75 percent of non-business filers and 63.8 percent of business filers.

Chapter 13 was the second largest category of bankruptcy filings among

non-business filers. Under Chapter 13 bankruptcy, creditors may be repaid in installments, in full or in part, over three to five years and debts may not exceed the statutory amount. Chapter 13 is available for individuals operating businesses as sole proprietorships, but not for partnerships or corporations. In 2006, non-business Chapter 13 filings totaled 248,430 nationally, 40.2 percent of the total, and 18,934 in the circuit, 24.1 percent of

TABLE 8: Business and Non-Business Bankruptcy Cases Commenced, by Chapter of the U.S. Bankruptcy Code, During the 12-Month Period Ending December 31, 2006

Caseload Measure	2005	2006	Change 2005-2006
Filings			
Business Chapter 7	5,508	2,180	-60.4%
Business Chapter 11	889	725	-18.4%
Business Chapter 12	57	45	-21.1%
Business Chapter 13	1,023	454	-55.6%
Non-Business Chapter 7	292,802	56,035	-80.9%
Non-Business Chapter 11	152	120	-21.1%
Non-Business Chapter 13	35,015	18,934	-45.9%
*Total	335,454	78,505	-76.6%
Terminations			
	243,164	223,414	-8.1%
**Pending Cases			
	285,840	140,931	-50.7%

Note: 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.

**These figures include the following cases not reflected elsewhere: Calendar Year 2005: Arizona (Section 304 = 1); Central Calif. (Chapter 9 = 1 and Section 304 = 3); Northern Calif. (Chapter 9 = 1); Hawaii (Section 304 = 1); Western Wash. (Chapter 15 = 1) Calendar Year 2006: Arizona (Chapter 15 = 1); Central Calif. (Chapter 9 = 1 and Chapter 15 = 1); Eastern Calif. (Chapter 15 = 3); Northern Calif. (Chapter 9 = 1 and Chapter 15 = 2); Hawaii (Chapter 15 = 2); Western Wash. (Chapter 15 = 1)*

***Pending cases for 2005 revised.*

BANKRUPTCY COURT FILINGS CONTINUED

the total. Business Chapter 13 filings numbered 2,749 nationally, 14 percent of the total, and 454 in the circuit, 13.3 percent.

Chapter 11 was second largest category of bankruptcy filings among business filers, numbering 4,643 nationally, 23.6 percent of the business filings total, and 725 in the circuit, 21.2 percent of all business filings. Chapter 11 allows a business to continue operations while formulating a plan to repay its creditors. Although used less commonly in non-business filings, it also allows an individual to use future earnings to pay off creditors. Non-business Chapter 11 filings totaled 520 nationally and 120 in the circuit.

The smallest category of filings was Chapter 12, which is available only to business filers and provides family farmers facing bankruptcy a chance to reorganize their debts and keep their farms. Chapter 12 filings numbered 348 nationally, 1.8 percent of the total business filings, and 45 in the circuit, 1.3 percent of the total business filings.

Bankruptcy Filings by District

Every bankruptcy court in the circuit reported a sharp decrease in bankruptcy filings, ranging from 46.9 percent in the Northern Mariana Islands to 80.6 percent in Arizona.

The Central District of California reported 17,802 new bankruptcy filings, the most in the Ninth Circuit and the fifth most in the nation in 2006. Its non-business filings numbered 16,843, 94.6 percent of the total. Business and non-business Chapter 7 filings numbered 14,230, 79.9 percent of the total.

The Eastern District of California reported 9,323 new filings in 2006, followed by the Western District of Washington, 8,448; the District of Arizona, 7,793; the Northern District of California, 7,742; and the District of Oregon, 7,585.

Terminations and Pending Cases

Nationally, bankruptcy case terminations numbered 1,435,482 in 2006, down 8.9 percent from the prior year, while pending cases totaled 1,331,023, down 38.1 percent. In the Ninth Circuit, terminations totaled 223,414, down 8.1 percent, while pending cases numbered 140,931, down 50.7 percent.

Appointments, Transitions

In 2006, the Ninth Circuit Court of Appeals appointed four new bankruptcy judges. The newcomers are Mike K. Nakagawa, appointed to the U.S. Bankruptcy Court for Nevada with chambers in Las Vegas; Richard M. Neiter and Victoria S. Kaufman, appointed to the U.S. Bankruptcy Court for the Central District of California, with chambers in Los Angeles; and Roger L. Efremsky, appointed to the U.S. Bankruptcy Court for the Northern District of California, with chambers in San Jose.

The U.S. Bankruptcy Court for the Southern District of California saw the elevation of Chief Bankruptcy Judge Peter W. Bowie in June 2006. Judge Bowie, a veteran of the bankruptcy bench for 19 years, succeeded Judge John J. Hargrove. His appointment extends to 2011.

The U.S. Bankruptcy Court for the Central District of California saw the elevation of Chief Bankruptcy Judge Vincent P. Zurzolo in December 2006. Judge Zurzolo, also a 19-year veteran of the bankruptcy bench, succeeded Judge Barry Russell. His appointment extends to 2009.

Ninth Circuit bankruptcy courts continue to rely on recalled judges to relieve the active bankruptcy judges. During 2006, nine recalled bankruptcy judges assisted in seven districts. ○ ○ ○

BANKRUPTCY APPELLATE PANEL

All district courts within the Ninth Circuit have issued general orders providing for the automatic referral of bankruptcy appeals to the Bankruptcy Appellate Panel (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. Seven bankruptcy judges are authorized by the Ninth Circuit Judicial Council to serve on the BAP. During the past four years, one position has intentionally been held vacant due to reduced work load based on new filings.

New Filings

For calendar year 2006, 735 new appeals were filed, down from 764 appeals the prior year. BAP handled 51 percent of all bankruptcy appeals, while 49 percent were heard in district courts. The BAP has historically handled between 50 and 60 percent of all appeals in the circuit.

Bankruptcy appeal filings have gone up and down in recent years, from a six-year high in 2002 of 904 appeals filed to an all-time low in 2006 of 735 appeals filed. The decline in filings likely will slow at least somewhat in 2007, as litigants begin to file appeals challenging the 2005 bankruptcy law amendments.

Dispositions

The BAP disposed of 423 appeals for the year. Of those, 185 appeals were merits terminations. Oral argument was held in 174 appeals, and 11 appeals were submitted on briefs. Of the 185 merits terminations, 34 were published opinions. The reversal rate was 27.6 percent.

The median time for an appeal decided on the merits was 11.4 months. The remaining 238 appeals were terminated on procedural grounds, such as for lack of prosecution, lack of jurisdiction, consolidation, or based on voluntary dismissal. The BAP ended the period with 232 appeals pending.



The Ninth Circuit Bankruptcy Appellate Panel consists of, seated from left, Bankruptcy Judge Christopher M. Klein of the Eastern District of California, Bankruptcy Judge Philip H. Brandt of the Western District of Washington, Bankruptcy Judge Dennis Montali of the Northern District of California; and, standing from left, Bankruptcy Judge Jim D. Pappas of the District of Idaho; Bankruptcy Judge Erithe A. Smith of the Central District of California and Bankruptcy Judge Randall L. Dunn of the District of Oregon.

BANKRUPTCY APPELLATE PANEL CONTINUED

Appeals to the Ninth Circuit

Appeals from a decision of either the BAP or a district court may be filed with the court of appeals for second-level appellate review. For the year, 143 second-level appeals were filed. Of these, 79 were appeals from decisions by the BAP and 64 were from decisions by the district courts. Thus, of the 423 appeals which were disposed of by the BAP, over 80.4 percent were fully resolved with only about 19 percent seeking second-level review.

BAP Judges

The Judicial Council of the Ninth Circuit, which has statutory for appointments to the BAP, appointed one new member in 2006. Bankruptcy Judge Randall L. Dunn of the District of Oregon, was appointed to the BAP in September, succeeding Bankruptcy Judge James M. Marlar of the District of Arizona. Judge Dunn, who has chambers in Portland, has served on the bankruptcy bench since 1998. He served on the Conference Executive Committee for the Ninth Circuit Judicial Conference, and is a past chairman of the Ninth Circuit Bankruptcy Education Committee. ○ ○ ○

TABLE 9: New Bankruptcy Appeal Filings for the 12-Month Period Ending December 31, 2006

District	Bankruptcy Appellate Panel	*District Court	Total
Alaska	3	3	6
Arizona	42	40	82
Cent. Calif.	143	129	272
East. Calif.	33	26	59
No. Calif.	59	62	121
So. Calif.	21	17	38
Hawaii	6	7	13
Idaho	5	4	9
Montana	4	2	6
Nevada	16	30	46
Oregon	12	12	24
East. Wash.	2	10	12
West. Wash.	28	19	47
Total	374 (51%)	361 (49%)	735

*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 ICMS docketing system. The district court numbers include all appeals in which a timely election was made to have the appeal heard in the district court (both appellant and appellee elections). The BAP numbers exclude all such appeals.

MAGISTRATE JUDGE MATTERS

Magistrate judges assist district judges in a range of judicial matters, including presiding over preliminary proceedings, some criminal and civil cases, various other criminal and civil hearings, and prisoner petitions. In the Ninth Circuit, 95 full-time and 11 part-time magistrate judges made significant contributions to the work of their courts in 2006.

The total number of matters disposed of by magistrate judges in the Ninth Circuit was 177,419 in 2006, down 0.6 percent from 2005. Decreases were seen in arraignments, trials of Class A misdemeanors, civil consent cases heard without a jury, and civil settlement conferences. Increases were reported in the evidentiary proceedings, pretrial conferences, taking of guilty pleas, and prisoner petitions.

Magistrate judges presided over 747 more criminal pretrial conferences, up 42.9 percent from the year before. They also reviewed 792 more prisoner petitions, most of them pertaining to civil rights. Civil rights petitions were up 25.4 percent from the year before and accounted for 45 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 Judge Edmund F. Brennan of the Eastern District of California, Judge Jeremiah C. Lynch of the District of Montana, and Judges Jacqueline Chooljian, Frederick F. Mumm, Oswald Parada and John C. Rayburn, Jr., of the Central District of California.

2006 saw the elevation of Magistrate Judge Anthony J. Battaglia of the Southern District of California as the new chair for the Magistrate Judges Executive Board, succeeding Magistrate Judge J. Kelley Arnold of the Western District of Washington. Judge Battaglia assumed the gavel at the board's October meeting in Ashland, Ore. As chair, Judge Battaglia serves as an official observer at meetings of the Judicial Council of the Ninth Circuit. He also serves on the Committee on Criminal Rules of the Judicial Conference of the United States.

Also during the year, the Magistrate Judges Executive Board established formal liaisons with the Ninth Circuit's Lawyer Representative Coordinating Committee and



The Magistrate Judges Executive Board consists of: seated from left, Leslie E. Kobayashi of Hawaii, Cynthia Imbrogno of Eastern Washington, J. Kelley Arnold, chair, of Western Washington, and Janice M. Stewart of Oregon; middle row from left, Ralph Zarefsky of Central California, John D. Roberts of Alaska, Mikel H. Williams of Idaho, James Larson of Northern California, Joaquin V.E. Manibusan of Guam, and Robert J. Johnston of Nevada; and, back row from left, Lawrence J. O'Neill of Eastern California, Leif "Bart" Erickson of Montana, Anthony J. Battaglia of Southern California and Bernardo P. Velasco of Arizona.

its Advisory Committee. Plans were made to invite representatives of those groups to future board meetings to discuss issues of mutual concern, such as consent to magistrate judge jurisdiction.

Educational Programs

At the 2006 Ninth Circuit Judicial Conference in Huntington Beach, Calif., the Magistrate Judges Education program featured remarks by Circuit Judge M. Margaret McKeown of the Ninth Circuit Court of Appeals. Judge McKeown, who serves on the JCUS Committee on Codes of Conduct, had advice and suggestions on matters related to judicial ethics. Among the matters noted by Judge McKeown was the ongoing controversy over the attendance of judges at privately sponsored conferences.



TABLE 10: Matters Disposed of by Ninth Circuit Magistrate Judges During the 12-Month Period Ending September 30, 2006

Activity	2005	2006	Percent Change 2005-2006
Total Matters	178,540	177,419	-0.6%
Preliminary Proceedings	81,410	81,919	0.6%
Search Warrants	8,123	8,219	1.2%
Arrest Warrants/Summonses	6,071	6,064	-0.1%
Initial Appearances	23,797	23,546	-1.1%
Preliminary Examinations	5,057	5,448	7.7%
Arraignments	14,840	14,174	-4.5%
Detention Hearings	13,607	13,746	1.0%
Bail Reviews/Nebbia Hearings	3,447	3,664	6.3%
Other ⁵	6,468	7,058	9.1%
Trial Jurisdiction Cases	20,377	20,414	0.2%
Class A Misdemeanors	1,746	1,139	-34.8%
Petty Offenses	18,631	19,275	3.5%
Civil Consent Cases	3,205	2,884	-10.0%
Without Trial	3,142	2,819	-10.3%
Jury Trial	45	42	-6.7%
Nonjury Trial	18	23	27.8%
Additional Duties			
Criminal	26,415	27,368	3.6%
Motions 636(b)(1)(A) ¹	11,457	11,283	-1.5%
Motions 636(b)(1)(B)	996	1,107	11.1%
Evidentiary Proceedings	196	274	39.8%
Pretrial Conferences ²	1,741	2,488	42.9%
Probation Revocation and Supervised Release Hearings	1,338	1,191	-11.0%
Guilty Pleas	6,002	6,685	11.4%
Other ³	4,685	4,340	-7.4%
Civil	29,515	28,996	-1.8%
Settlement Conferences	4,149	3,426	-17.4%
Other Pretrial Conferences ²	3,625	4,215	16.3%
Motions 636(b)(1)(A) ¹	15,191	15,239	0.3%
Motions 636(b)(1)(B)	1,222	999	-18.2%
Evidentiary Proceedings	152	34	-77.6%
Social Security	825	919	11.4%
Special Masterships	71	96	35.2%
Other ⁴	4,280	4,068	-5.0%
Prisoner Petitions	4,798	5,590	16.5%
State Habeas	2,552	2,600	1.9%
Federal Habeas	465	430	-7.5%
Civil Rights	2,006	2,515	25.4%
Evidentiary Proceedings	75	45	-40.0%
Miscellaneous Matters ⁶	12,820	10,248	-20.1%

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

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

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

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

5 Category includes material witness hearings and attorney appointment hearings.

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

FEDERAL PUBLIC DEFENDERS

Federal public defenders and community defenders in nine of 14 judicial districts of the Ninth Circuit saw their workloads decrease in fiscal year 2006 (October 1, 2005 to September 30, 2006). But a big jump in the number of new cases opened in Arizona along with modest growth in four other districts resulted in a net increase in caseload for the circuit as a whole.

Ninth Circuit defenders opened 25,588 new cases in FY2006, up 10.5 percent from the prior fiscal year. They closed 25,795 cases, up 12.3 percent from FY2005. The Ninth Circuit share of the national caseload was 26.3 percent for both cases opened and closed.

In Arizona, one of two border courts in the circuit, new cases opened in FY2006 totaled 8,116, up 45.7 percent from 5,570 new cases the prior fiscal year. Of the new cases, 87.1 percent were criminal in nature, many of them involving illegal immigration. A modest increase also was reported by the circuit's other border court, the Southern District of California, where new cases opened totaled 4,361, up 8.2 percent from the 4,031 opened in FY2005.

Also reporting increases were the Eastern District of California, 2,089 new cases, up 4.9 percent; the Western District of Washington, 1,904 new cases, up 5.9 percent; and the Eastern District of Washington, 761 new cases, up 2.6 percent.

The upturn in new cases opened in Arizona derives from several factors, most notably increased enforcement and prosecution by the U.S. Immigration and Customs Enforcement agency and U.S. attorney. A new defender office opened in Yuma, in the extreme southwestern part of the state near the Mexico and California borders, has seen increased prosecutions as immigration activity shifts there from San Diego and from Tucson/Nogales. There also has been an increase in cases opened by the Flagstaff office involving offenses from federal lands and parks. Decreases in new cases were reported by nine districts.

The biggest decreases, numerically and percentage-wise, were in the districts of Hawaii, 427 new cases, down 24.8 percent from 568 cases the prior year; Guam, 49 new cases, down 74.3 percent from 191 cases in FY2005; Central California, 3,180 new cases, down 3.4 percent from 3,293; and Montana, 586 cases, down 15.4 percent from 693 cases.

Circuit caseloads have varied over the last six years with increases reported in 2001, 2002, 2004 and 2006, 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.

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.

TABLE 11: Federal Defender Organizations - Cases Opened, Closed and Pending, During the 12-Month Period Ending September 30, 2006

	Fiscal Year					Percent Change 2005-2006
	2002	2003	2004	2005	2006	
Cases						
Opened	24,780	23,539	24,543	23,157	25,588	10.5%
Closed	24,634	23,247	24,215	22,979	25,795	12.3%
Pending	7,669	7,944	8,287	8,460	8,471	0.1%

FEDERAL PUBLIC DEFENDERS CONTINUED

TABLE 12: Federal Defender Organizations - Summary of Representations by District During the 12-Month Period Ending September 30, 2006

District	Opened Sept. 30, 2005	Opened Sept. 30, 2006	Change 2005-2006	Closed Sept. 30, 2006	Pending Sept. 30, 2006
Alaska	298	287	-3.7%	291	104
Arizona	5,570	8,116	45.7%	8,092	1,186
Cent. Calif.	3,293	3,180	-3.4%	3,324	1,361
East. Calif.	1,991	2,089	4.9%	2,019	845
No. Calif.	866	815	-5.9%	860	392
*So. Calif.	4,031	4,361	8.2%	4,134	1,273
Guam	191	151	-20.9%	147	49
Hawaii	568	516	-9.2%	548	427
*Idaho	322	320	-0.6%	329	174
*Montana	693	586	-15.4%	606	252
Nevada	1,214	1,145	-5.7%	1,251	700
Oregon	1,580	1,548	-2.0%	1,524	899
*East. Wash.	742	761	2.6%	736	305
West. Wash.	1,798	1,904	5.9%	1,934	504
Circuit Total	23,157	25,588	10.5%	25,795	8,471
National Total	97,777	97,413	-0.4%	98,206	36,172
Circuit Total as % of National Total	23.7%	26.3%	2.6%	26.3%	23.4%

**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.*

Pending and Closed Cases

The pending caseload of Ninth Circuit public and community defenders was 8,471 cases in FY2006, 11 more cases than the year before.

Appointments

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

concludes that he or she is performing in a highly satisfactory manner based upon a broad survey and performance evaluation process.

In 2006, the U.S. Court of Appeals for the Ninth Circuit appointed a new defender. Daniel Broderick was appointed in June for the Eastern District of California, which stretches from Bakersfield to the Oregon border. He had been the acting federal public defender for the district following the retirement of his predecessor Quin Denvir. He will serve a four-year term ending in 2010.



United States probation offices in the Ninth Circuit are responsible for preparing pre-sentence investigation reports on convicted offenders, and for supervising offenders placed on probation, supervised release, parole, and conditional release.

As pre-sentence investigators, 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 myriad programs to facilitate an offender's success under supervision. The diversity of the Ninth Circuit calls upon probation officers to perform their duties in a variety of settings; from courthouses in large metropolitan areas to one person offices in rural areas. Probation officers in the Ninth Circuit exemplify the highest ideals and standards in community corrections and are recognized nationally for delivering the highest quality services.

Offenders Under Supervision

At the close of fiscal year 2006 (October 1, 2005 to September 30, 2006), the number of persons under post-conviction supervision in the Ninth Circuit remained relatively stable from the prior fiscal year. Districts reported 19,389 persons under supervision, up 0.8 percent from 19,244 in FY2005. The Ninth Circuit accounted for 17 percent of the national total of 114,002 persons under supervision nationally.

Among persons under supervision in the Ninth Circuit, 4,467 were on probation from the courts, while 14,529 were on supervised release from institutions. Another 372 persons were on parole and 21 in the custody of the Bureau of Prisons.

The Central District of California with 5,286 cases and the District of Arizona with 2,988 cases had the most persons

under supervision. Both districts showed fewer cases than the previous year, however.

Eleven of 15 judicial districts in the Ninth Circuit reported increases in the number of persons under supervision. The greatest increase numerically was reported by the District of Nevada with 1,123 cases, up 9 percent from 1,030 cases in FY2005. The District of Idaho had 439 cases, up 14.9 percent from 382 cases the prior fiscal year.

Drug offenses continue to account for the majority of cases under supervision in the Ninth Circuit as well as nationally. In FY2006, 7,465 persons were under supervision in the Ninth Circuit for drug law violations, amounting to 38.5 percent the total number of offenders under supervision in the Circuit. The next largest category was property violations with 5,189 persons under supervision or 26.8 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

For FY2006, the total cases revoked and closed after post-conviction supervision increased to 2,818 cases, up 3.4 percent from 2,726 cases in FY2005. Of these, 341 cases were from courts and 2,477 were from institutions. The nationwide total cases revoked and closed is 13,485 cases, an increase of 5.9 percent over the 12,737 cases revoked in FY2005. The Ninth Circuit's share of all cases revoked and closed is 20.9 percent of the national total.

Early Terminations

Since 2002, the Criminal Law Committee has worked to encourage offices to identify offenders who qualify for early termination. In general, when the conditions of

TABLE 13: Ninth Circuit Federal Probation System - Persons Under Post-Conviction Supervision as of September 30, 2006

Persons Under Supervision	2005	2006	Change 2005-2006
From Courts	4,752	4,467	-6.0%
From Institutions	14,492	14,922	3.0%
Total	19,244	19,389	0.8%

PROBATION OFFICES CONTINUED

TABLE 14: Ninth Circuit Federal Probation System - Persons Under Post-Conviction Supervision by District as of September 30, 2006

District	From Courts	Referred by Institutions			2005 Total Cases	2006 Total Cases	Change 2005-2006
	Probation ¹	Supervised Release	Parole ²	BOP Custody ³			
Alaska	95	211	3	0	302	309	2.3%
Arizona	784	2,175	29	0	3,026	2,988	-1.3%
Cent. Calif.	1,178	4,006	101	1	5,501	5,286	-3.9%
East. Calif.	354	1,087	33	10	1,429	1,484	3.8%
No. Calif.	408	935	41	0	1,373	1,384	0.8%
So. Calif.	171	1,585	33	0	1,759	1,789	1.7%
Hawaii	153	629	4	0	766	786	2.6%
Idaho	131	302	2	4	382	439	14.9%
Montana	167	484	3	0	613	654	6.7%
Nevada	294	764	65	0	1,030	1,123	9.0%
Oregon	254	833	30	0	1,126	1,117	-0.8%
East. Wash.	69	377	2	1	460	449	-2.4%
West. Wash.	332	1,005	25	0	1,288	1,362	5.7%
Guam	53	109	1	5	143	168	17.5%
NMI	24	27	0	0	46	51	10.9%
Circuit Total	4,467	14,529	372	21	19,244	19,389	0.8%

1 Includes judge and magistrate judge probation

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

3 BOP (Bureau of Prisons)

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 FY2006, 1,558 cases were terminated early by judges in the Ninth Circuit. The Central District of California led in the number of early terminations with 425 cases or 27.3 percent of the total. The District of Arizona was second with 394 cases or 25.3 percent, followed by the Northern District of California with 191 cases or 12.3 percent. The circuit average was 6.7 percent, down from 9.1 percent in 2005.

Of Note

Probation Officer Michael J. Larson of the Western District of Washington was selected the Western Regional Officer of the Year by the national Federal Probation and Pretrial Officers Association. The award was presented in September by FPPOA Regional Vice President Curtis Hare of the Eastern District of Washington. The FPPOA award is given annually to a probation or pretrial officer in the West who through his or her own initiatives, makes a substantial contribution and provides outstanding service to the field of corrections. ○ ○ ○

PRETRIAL SERVICES OFFICES

United States pretrial services offices within the Ninth Circuit serve two vital roles for the courts: the provision of bail reports that contain important information for making detention and release decisions, and the monitoring of defendants released to pretrial services supervision. In addition, pretrial services provides for the determination of eligibility and supervision of diversion programs in each district.

The primary mission of pretrial services is to assist the courts in reducing the rate of unnecessary detentions, while at the same time reasonably ensuring the safety of the community and the appearance of defendants at future court dates. Offices in the Ninth Circuit continued to effectively achieve these goals in 2006 by working diligently to maintain very low levels of nonappearance and re-arrests of released defendants. This was accomplished by professionally trained and experienced officers utilizing contracted substance abuse, mental health and residential treatment programs, and the enhanced use of both conventional and state-of-the-art technology.

Pretrial services in the Ninth Circuit ranked first nationally in case activations for 2006. Case activations totaled 22,750 for the calendar year, up 0.1 percent from the prior year. New case activations nationwide totaled 94,978, down 2.6 percent from the year before. The Ninth Circuit accounted for 24 percent of the 2006 national total, up slightly from 2005.

Pretrial services offices in 12 of 15 judicial districts reported activating fewer new cases in 2006 than the prior year. But a big jump in new cases in the Southern District of California, a border court with a heavy immigration caseload, and modest increases in two other districts offset the declines. The Southern District of California, based in San Diego, saw its case activations increase to 5,115, up 39.2 percent from 3,675 activations in 2005. Also reporting increases were the District of Oregon, 867 new cases, up 4.8 percent from 827 cases in 2005, and the District of Hawaii, 433 new cases, up 5.6 percent from 410 the year before.

Substantial workload decreases were reported by several districts. The number of new cases activated in the Central District of California was 2,143 in 2006, down 23.5 percent from 2,800 cases opened the year before. It was the largest decrease numerically and third largest percentage-

TABLE 15: Pretrial Services - Cases Activated in Ninth Circuit Courts, 2006

Caseload Measure	2005	2006	Change 2005-2006
*Reports	22,466	22,549	0.4%
Interviews	11,071	9,111	-17.7%
Cases Activated	22,732	22,750	0.1%

**Includes prebail reports with recommendation and without recommendation, and includes cases from column previously reported as "other reports."*

wise. Noteworthy decreases also were reported by the Western District of Washington, 1,303 new cases, down 11.5 percent from 1,472 in 2005; the District of Nevada, 848 new cases, down 13.6 percent from 982 in 2005; and the Eastern District of California, 1,118 new cases, down 8.3 percent from 1,219 in 2005.

The District of Arizona, another border court with a heavy immigration caseload, had the largest number of new cases opened. Officers activated 8,462 cases in 2006, down 1.1 percent from 8,560 in 2005.

Pretrial Bail Interviews, Supervised Defendants

The number of interviews conducted by officers of pretrial defendants in the circuit decreased in 2006. Interviews numbered 9,111, down 17.7 percent from 11,071 reports in 2005. Pre-bail written reports increased to 21,958 from 21,826, while post-bail and other reports decreased to 591 from 640 the year before. Pretrial services offices made recommendations to the court in 96.9 percent of cases with interviews, compared to the national average of 91.1 percent. Detention was recommended in 62.3 percent of all cases in 2006, a decrease of 3.2 percent from 2005. In comparison, Offices of the United States Attorney in the circuit recommended detention in 63.7 percent of the cases, a decrease from 67.1 percent in 2005.

During 2006, a total of 6,021 defendants were released from custody in the Ninth Circuit to pretrial services supervision, a decrease of 5.8 percent from 2005. Of these, 4,851 were released on standard pretrial services supervision, down 3 percent from 2005; 1,009 were

PRETRIAL SERVICES OFFICES CONTINUED

TABLE 16: Pretrial Workload Chart, 2006

District	Defendant Contact		Written Reports		Total Cases Activated 2005	Total Cases Activated 2006	Change 2005-2006
	Interviewed	*Not Interviewed	**Prebail	Postbail & Other			
Alaska	97	103	188	1	214	200	-6.5%
Arizona	1,626	6,836	8,421	13	8,560	8,462	-1.1%
Cent. Calif.	1,516	627	2,133	6	2,800	2,143	-23.5%
East. Calif.	568	550	1,072	44	1,219	1,118	-8.3%
No. Calif.	433	473	541	358	1,005	906	-9.9%
So. Calif.	2,410	2,705	5,063	51	3,675	5,115	39.2%
Hawaii	346	87	432	1	410	433	5.6%
Idaho	288	2	286	0	368	290	-21.2%
Montana	277	219	478	3	543	496	-8.7%
Nevada	442	406	846	2	982	848	-13.6%
Oregon	318	549	865	0	827	867	4.8%
East. Wash.	184	269	239	110	470	453	-3.6%
West. Wash.	508	795	1,283	1	1,472	1,303	-11.5%
Guam	80	13	88	1	145	93	-35.9%
NMI	18	5	23	0	42	23	-45.2%
Circuit Total	9,111	13,639	21,958	591	22,732	22,750	0.1%
National Total	63,754	31,224	87,398	5,191	97,490	94,978	-2.6%
Circuit % of National	14.3%	43.7%	25.1%	11.4%	23.3%	24.0%	0.6%

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

**Includes prebail reports with recommendation and without recommendation, and includes cases from column previously reported as "other reports."

supervised on a courtesy basis from another district or circuit, a decrease of 16.7 percent; and 161 were on pretrial diversion caseloads, a decrease of 12 percent.

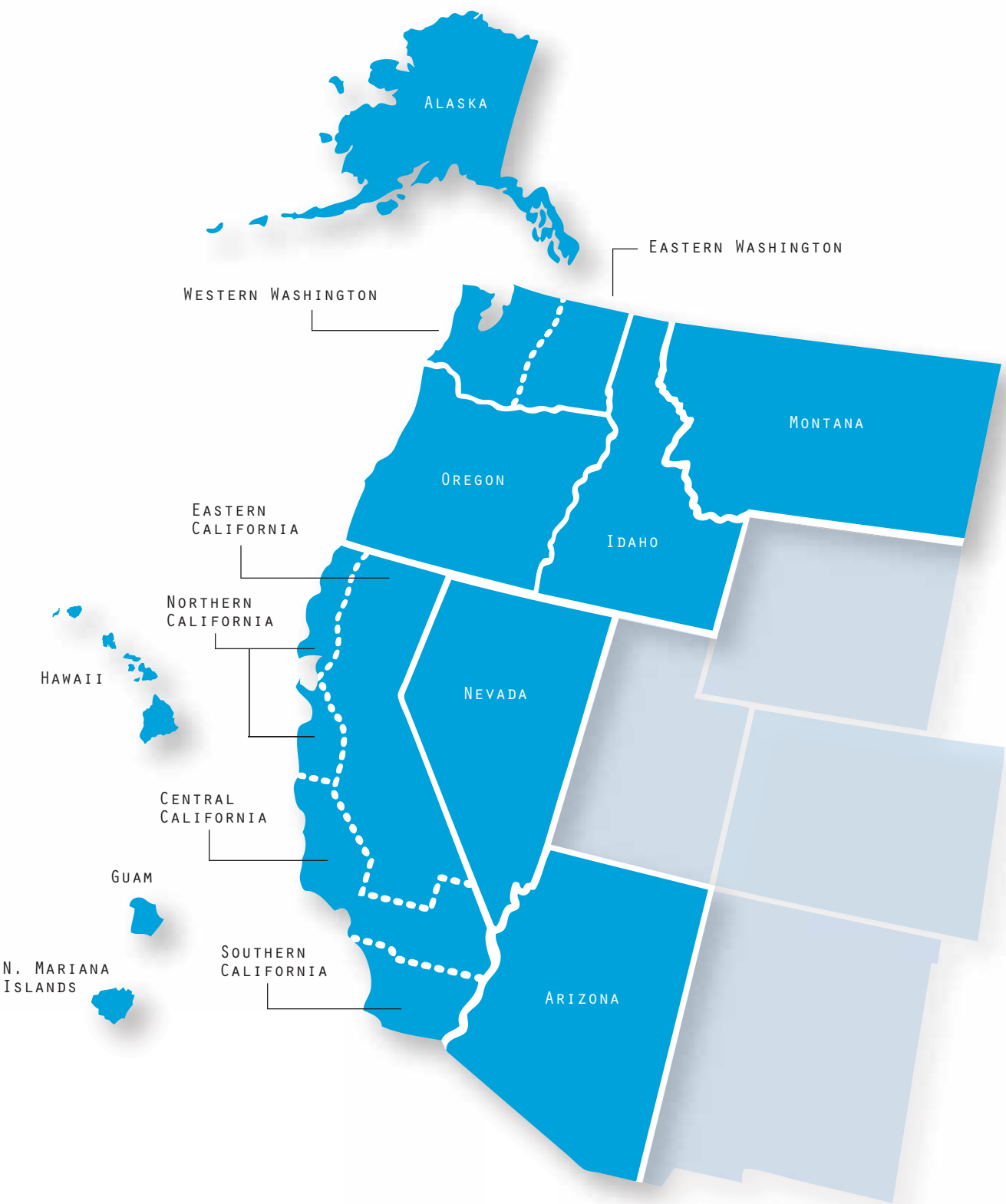
Nonappearance and Re-arrest Rates Remain Low

The national initiative that began in 2000 to help reduce detention continues to have a positive impact in many districts. While pretrial service offices continuously look for ways to reduce unnecessary detentions, the rate of bail revocations due to nonappearance and/or re-arrest of supervised defendants continued to be significantly low. In 2006, the rate of nonappearance in the circuit plummeted along with the national rate to less than 1 percent. In 2006, the 15 district courts of the Ninth Circuit

revoked the bail of only 171 defendants who absconded from supervision.

Violations

Of the 16,574 cases in release status in 2006, 2,852 of these cases had violations reported to the court. They include 193 violations were for felony rearrest, 142 were for misdemeanor rearrest, 265 were for "other," and 167 were for failure to appear. Technical violations (positive urine screens, violation of electronic monitoring conditions, possession of contraband, failure to report to officer, etc.) accounted for the remainder of the reported violations (3,421). ○ ○ ○



DISTRICT CASELOADS

TABLE 17: District of Alaska

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	520	525	1.0%	175
Terminations	554	526	-5.1%	175
*Pending	519	518	-0.2%	173
Bankruptcy Court				
Filings	2,297	622	-72.9%	311
Terminations	1,518	1,607	5.9%	804
*Pending	2,146	1,161	-45.9%	581

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

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



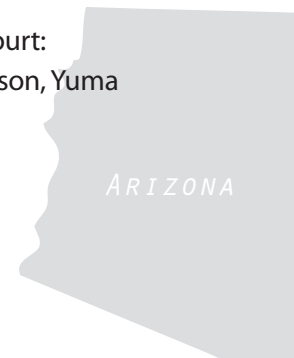
*Total pending cases revised for 2005.

TABLE 18: District of Arizona

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	9,071	7,396	-18.5%	569
Terminations	7,841	9,231	17.7%	710
*Pending	8,118	6,283	-22.6%	483
Bankruptcy Court				
Filings	40,214	7,793	-80.6%	1,113
Terminations	31,840	25,445	-20.1%	3,635
*Pending	38,056	20,404	-46.4%	2,915

Authorized Judgeships	
**District	13
Bankruptcy	7
Magistrate	
Full time	12
Part-time	0

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



*Total pending cases revised for 2005.

**Includes one authorized temporary judgeship.

TABLE 19: Central District of California

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	13,282	12,470	-6.1%	445
Terminations	14,717	12,791	-13.1%	457
*Pending	13,032	12,711	-2.5%	454
Bankruptcy Court				
Filings	84,304	17,802	-78.9%	742
Terminations	51,043	60,618	18.8%	2,526
*Pending	64,072	21,256	-66.8%	886

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

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



*Total pending cases revised for 2005.

**Includes one authorized temporary judgeship.

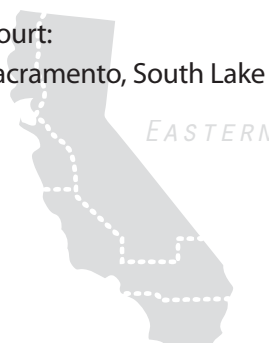
***Includes three authorized temporary judgeships.

TABLE 20: Eastern District of California

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	5,181	5,707	10.2%	951
Terminations	4,836	4,897	1.3%	816
*Pending	6,780	7,590	11.9%	1,265
Bankruptcy Court				
Filings	37,402	9,323	-75.1%	1,332
Terminations	21,619	31,273	44.7%	4,468
*Pending	35,372	13,422	-62.1%	1,917

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

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



*Total pending cases revised for 2005.

**Includes one authorized temporary judgeship.

DISTRICT CASELOADS

TABLE 21: Northern District of California

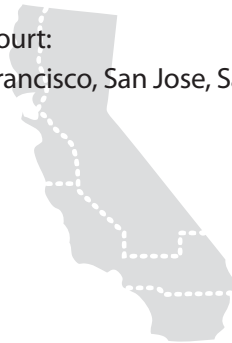
Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	6,281	8,784	39.9%	627
Terminations	6,740	6,828	1.3%	488
*Pending	6,763	8,719	28.9%	623
Bankruptcy Court				
Filings	29,383	7,742	-73.7%	860
Terminations	24,627	17,402	-29.3%	1,934
*Pending	26,682	17,022	-36.2%	1,891

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

Authorized places of holding court:

Eureka, Oakland, Salinas, San Francisco, San Jose, Santa Rosa

NORTHERN



*Total pending cases revised for 2005.

TABLE 22: Southern District of California

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	5,000	5,777	15.5%	444
Terminations	5,150	5,440	5.6%	418
*Pending	3,547	3,884	9.5%	299
Bankruptcy Court				
Filings	15,679	4,338	-72.3%	1,085
Terminations	12,303	9,563	-22.3%	2,391
*Pending	10,721	5,496	-48.7%	1,374

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

Authorized places of holding court:

El Centro, San Diego

SOUTHERN



*Total pending cases revised for 2005.

TABLE 23: District of Guam

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	159	168	5.7%	168
Terminations	200	115	-42.5%	115
*Pending	108	161	49.1%	161
Bankruptcy Court				
Filings	385	114	-70.4%	385
Terminations	271	251	-7.4%	271
Pending	327	190	-41.9%	327

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

Authorized place of holding court:
Hagatna



**Total pending cases revised for 2005.*

Note: The district judge also handles all bankruptcy cases.

TABLE 24: District of Hawaii

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	1,258	1,041	-17.2%	260
Terminations	1,360	1,146	-15.7%	287
*Pending	1,299	1,194	-8.1%	299
Bankruptcy Court				
Filings	4,489	965	-78.5%	965
Terminations	3,495	2,809	-19.6%	2,809
*Pending	3,288	1,444	-56.1%	1,444

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

Authorized place of holding court:
Honolulu



**Total pending cases revised for 2005.*

***Includes one authorized temporary judgeship.*

DISTRICT CASELOADS

TABLE 25: District of Idaho

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	799	760	-4.9%	380
Terminations	837	809	-3.3%	405
*Pending	894	845	-5.5%	423
Bankruptcy Court				
Filings	11,967	2,931	-75.5%	1,466
Terminations	9,202	7,809	-15.1%	3,905
*Pending	10,704	5,826	-45.6%	2,913

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

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



*Total pending cases revised for 2005.

TABLE 26: District of Montana

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	1,131	1,022	-9.6%	341
Terminations	1,078	1,137	5.5%	379
*Pending	1,320	1,205	-8.7%	402
Bankruptcy Court				
Filings	5,899	1,845	-68.7%	1,845
Terminations	4,011	3,381	-15.7%	3,381
*Pending	5,164	3,628	-29.7%	3,628

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

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



*Total pending cases revised for 2005.

TABLE 27: District of Nevada

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	2,895	2,840	-1.9%	406
Terminations	2,870	2,588	-9.8%	370
*Pending	3,210	3,462	7.9%	495
Bankruptcy Court				
Filings	23,786	5,517	-76.8%	1,379
Terminations	19,971	16,226	-18.8%	4,057
*Pending	27,137	16,428	-39.5%	4,107

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

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



*Total pending cases revised for 2005.

**Includes one authorized temporary judgeship.

TABLE 28: District of Northern Mariana Islands

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	76	68	-10.5%	68
Terminations	70	59	-15.7%	59
*Pending	85	94	10.6%	94
Bankruptcy Court				
Filings	32	17	-46.9%	32
Terminations	12	38	216.7%	12
*Pending	48	27	-43.8%	49

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

Authorized place of holding court:
Saipan



*Total pending cases revised for 2005.

Note: The district judge also handles all bankruptcy cases.

DISTRICT CASELOADS

TABLE 29: District of Oregon

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	3,255	3,104	-4.6%	517
Terminations	3,230	3,175	-1.7%	529
*Pending	3,212	3,141	-2.2%	524
Bankruptcy Court				
Filings	32,687	7,585	-76.8%	1,517
Terminations	23,993	18,904	-21.2%	3,781
*Pending	25,621	14,302	-44.2%	2,860

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

Authorized places of holding court:

Coquille, Eugene, Klamath Falls, Medford, Pendleton, Portland



*Total pending cases revised for 2005.

TABLE 30: Eastern District of Washington

Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	1,223	1,016	-16.9%	254
Terminations	1,355	1,111	-18.0%	278
*Pending	928	833	-10.2%	208
Bankruptcy Court				
Filings	11,577	3,463	-70.1%	1,732
Terminations	10,195	7,269	-28.7%	3,635
*Pending	9,766	5,960	-39.0%	2,980

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

Authorized places of holding court:

Richland, Spokane, Walla Walla, Yakima



*Total pending cases revised for 2005.

TABLE 31: Western District of Washington

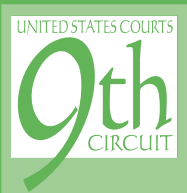
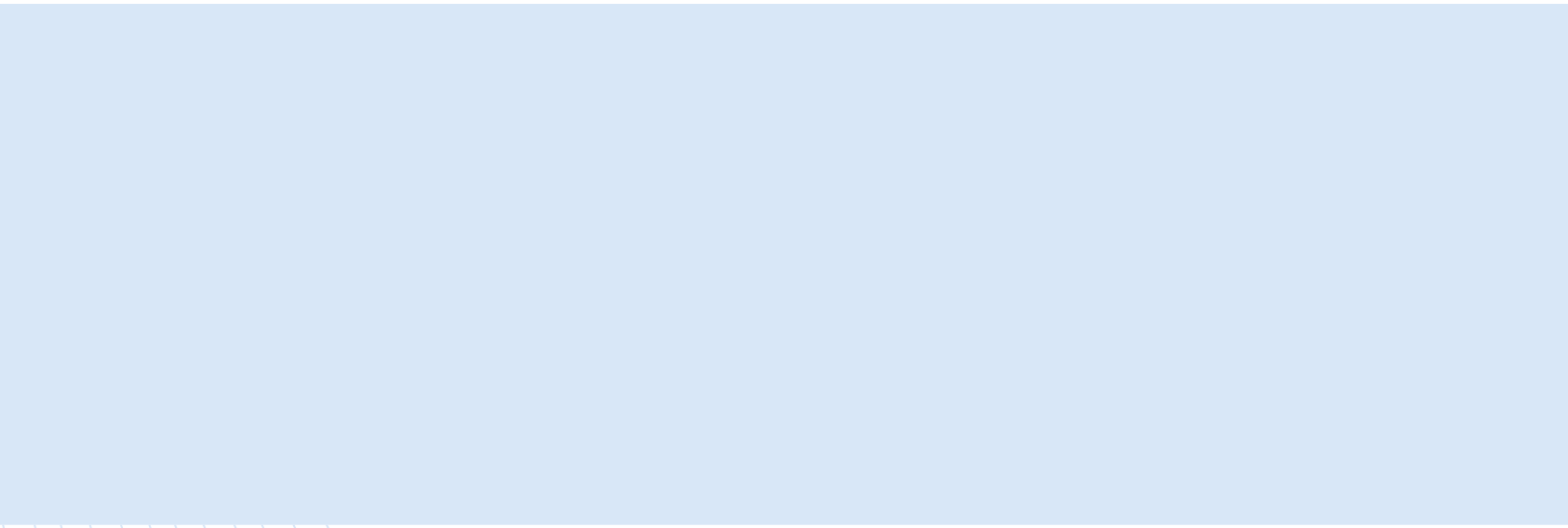
Caseload Measure	2005	2006	Change 2005-2006	Per Judgeship Unweighted 2006
District Court				
Filings	4,552	3,753	-17.6%	536
Terminations	4,605	4,281	-7.0%	612
*Pending	4,500	3,972	-11.7%	567
Bankruptcy Court				
Filings	35,353	8,448	-76.1%	1,690
Terminations	29,064	20,819	-28.4%	4,164
*Pending	26,736	14,365	-46.3%	2,873

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

Authorized places of holding court:
Bellingham, Seattle, Tacoma



*Total pending cases revised for 2005.



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