NINTH CIRCUIT
UNITED STATES COURTS

2009
ANNUAL REPORT

Judicial Council of the Ninth Circuit

Seated from left are Chief District Judge Audrey B. Collins (CAC); Senior Circuit Judge Procter Hug, Jr.; Circuit Judge Sidney R. Thomas; Chief Circuit Judge Alex Kozinski; Circuit and Court of Appeals Executive Cathy A. Catterson; Circuit Judge M. Margaret McKeown; and Chief District Judge Irma E. Gonzalez (CAS). Standing from left are **District Court Clerk Lance S. Wilson (NV); Senior District Judge Terry J. Hatter, Jr., (CAC); Senior District Judge Robert H. Whaley (WAE); Chief District Judge Roger L. Hunt (NV); Chief Magistrate Judge Karen L. Strombom (WAW); Chief Bankruptcy Judge Randall J. Newsome (CAN), Chief Probation Officer William Corn (WAW), and Chief Pretrial Services Officer Sandra D. Hall (CAE). Not pictured: District Judge Charles R. Breyer (CAN), *Bankruptcy Court Clerk Jon D. Ceretto (CAC), *Chief Bankruptcy Judge Robert J. Faris (HI), Bankruptcy Court Clerk Gloria Franklin (CAN), Circuit Judge Ronald M. Gould, *Circuit Judge Susan P. Graber, *Chief Probation Officer Yador J. Harrell (CAN), *Chief District Judge Robert S. Lasnik (WAW), *Senior District Judge Stephen M. McNamee (AZ), *Chief Pretrial Services Officer Timothy McTighe (WAW), District Court Clerk Victoria Minor (CAE), *Chief District Judge John W. Sedwick (AK), *Senior Circuit Judge David R. Thompson, Chief District Judge Vaughn R. Walker (CAN), and Chief District Judge B. Lynn Winmill (ID).

*Term expired September 30, 2009.
**District Court Clerk Lance S. Wilson standing in for District Court Clerk Victoria Minor.

Judicial Council of the Ninth Circuit

Mission Statement

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

Table of Contents

Ninth Circuit Overview

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

Judicial Transitions

10 New Judges
12 New Senior Judges
15 In Memoriam

Ninth Circuit Highlights

18 Courts Find New Ways to Respond to Influx of *Pro Se* Cases
19 Sentencing Commission Hears from Judges
20 Ninth Circuit *Pro Bono* Recognition
21 Ninth Circuit Bench, Bar Making Transition to Electronic Documents
22 Judicial Conference Navigates Turbulent Times
24 Judicial Conference Award Presentations
26 Judge Fletcher Honored for Lifetime of Work
Wellness Committee Sponsors Pre-Retirement Seminar for Judges
27 Courts Encouraged to Develop Policies for Electronic Devices
28 IT Conference for Pretrial & Probation
29 Ninth Circuit COOP Conference Focuses on Disaster Recovery
30 Central District Participates in Great Southern California Shakeout Drill
31 Ninth Circuit Fuels Team Effort in Pacific Island Courts
32 International Visitors Include Contingent of Thai Judges

Space & Facilities

34 Ninth Circuit, General Services Administration Rededicate Seattle Courthouse
36 Judge McNamee Honored for Space & Security Committee Service
37 Courthouses in Design Phase
38 Courthouse Under Construction

The Work of the Courts

40 Court of Appeals
45 District Courts
49 Bankruptcy Courts
51 Bankruptcy Appellate Panel
53 Magistrate Judge Matters
55 Federal Public Defenders
57 Probation Officers
59 Pretrial Services Officers
61 Juror Utilization
62 Court Interpreters
64 District Caseloads

Foreword

Chief Judge
Alex Kozinski

The federal courts of the Ninth Circuit are among the busiest in the nation, dispensing criminal justice and settling civil disputes in nine western states and two Pacific Island jurisdictions. Our judges, supported by dedicated court staff, deal every day with diverse and challenging legal questions. Their decisions can have profound effects on the environment and our society, or pertain to just one person struggling for a better life. In matters large and small, they strive to follow the law while providing the highest level of service to litigants and the public at large. The *2009 Ninth Circuit Annual Report* looks back at their work this past year. I hope you find the report informative and encourage you to provide us with feedback.

Both operationally and in the area of new initiatives, 2009 was another noteworthy year for the Ninth Circuit. Our bankruptcy courts reported record filings, reflecting ongoing weakness in the economy. District courts saw their caseloads rise, led by significant increases in criminal filings. The Ninth Circuit Court of Appeals, meanwhile, experienced a welcome dip in new filings, due largely to fewer immigration matters. The court made the most of the lull by increasing its case terminations and reducing its pending caseload.

For the year, the Ninth Circuit Court of Appeals reported 12,223 new appeals, down 8.1 percent from 2008. It remained the nation's busiest appellate court with 21.4 percent of all new appeals nationally. Appellate filings nationwide were down 7.1 percent.

District courts, which serve as trial courts in the federal system, reported 62,221 criminal and civil cases opened in 2009. Filings were up 12.4 percent from 2008, more than double the increase reported by district courts nationally. Criminal filings numbered 17,932, up 16.9 percent from the prior year.

Bankruptcy courts in the circuit reported 339,005 new cases, a 56.6 percent increase. This followed a 70 percent increase in filings in 2008. Bankruptcy courts in 14 of the 15 judicial districts of the circuit saw filings jump with Arizona, California and Nevada particularly hard hit.

All of the courts continue to face the challenges posed by *pro se* cases in which at least one party is not represented by counsel. These cases, which generally require additional time and effort by court staff due to the self-represented litigant's unfamiliarity with the law, have grown steadily in recent years. In 2009, *pro se* cases comprised 48.5 percent of the new appeals opened by the court of appeals, 35.4 percent of the new civil cases reported by the district courts and 15.8 percent of the bankruptcy filings received by the bankruptcy courts. Prisoner petitions and immigration matters make up the bulk of the *pro se* cases at the trial court and appellate levels.

In responding to the challenges posed by *pro se* cases, courts are improving their case management techniques and providing additional assistance to self-represented litigants. Several of our district courts have established self-help clinics, while bankruptcy courts continue to offer debtor assistance programs and educational seminars. At the court of appeals, *pro se* cases are vigorously screened and those having merit often receive *pro bono* representation. Dozens of attorneys throughout the circuit have generously given time and expertise to represent *pro se* litigants through a court-sponsored program. These volunteer efforts were recognized with receptions at the Ninth Circuit's courthouses in Pasadena, San Francisco and Seattle.

In the area of new initiatives, the Judicial Council of the Ninth Circuit in December approved an experimental pilot program to allow limited use of cameras in the district courts as a means of increasing public access to the judicial process. The program, the outgrowth of a resolution adopted by the 2007 Ninth Circuit Judicial Conference, is limited to civil, non-jury trials. Cases

are proposed by a chief district judge and approved by the chief judge of the circuit. The circuit is developing a model Local Rule and sample guidelines for courts considering participating in the program.

The council also moved toward adoption of suggested principles and practices for use of electronic devices in courthouses and courtrooms by jurors, the bar, media and the public. The recommendations, which are meant to assist district and bankruptcy courts in developing electronic device policies, were developed by a special subcommittee drawn from standing circuit committees involved with information technology, jury trials and media relations. Special consideration was given to jurors to avoid their inappropriate use of the devices to conduct research or communicate with others about trials.

The slow pace of judicial appointments and the lack of new judgeships continued to impact courts of the circuit in 2009. Six nominations for district court judgeships were made over the course of the year. Three nominees were confirmed, all in December. Two of the new judges filled vacancies on the Central District of California bench, while the third was seated in the Northern District of California. There were 13 vacant judgeships among the district courts at year's end. The Court of Appeals began and ended the year with two vacancies and no nominees. One of the vacancies was a new judgeship that became effective January 21, 2009, the court's first new judgeship in 25 years.

The judiciary welcomed the introduction in September of the Federal Judgeship Act of 2009. The bill would authorize 63 new judgeships for the nation's federal trial and appellate courts with a third of the new positions allocated to courts in the Ninth Circuit. No court is in greater need of new judgeships than the Eastern District of California, whose judges carry caseloads nearly three times larger than the national average and who are terminating cases at nearly twice the national average. The Eastern District would gain four permanent judgeships and one temporary judgeship under the legislation. We are hopeful Congress will concur in the need for the new positions and move to approve the bill.

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

In the area of space and facilities, 2009 saw the completion of a three-year project to renovate and modernize the William Kenzo Nakamura U.S. Courthouse in Seattle. Federal judges and representatives of the General Services Administration gathered in June to rededicate the building for use by the court of appeals. New courthouses were opened in Great Falls, Montana, and Coeur d'Alene, Idaho, where the court of appeals held a special sitting in March as part of a community celebration for the new building.

During the year, new funding was found for much needed projects. The American Recovery and Reinvestment Act, enacted in March, provided $350 million to the Ninth Circuit for courthouse projects in Honolulu, Hawaii, Billings, Montana and Bakersfield, California. In September, Congress authorized additional funding to make possible the construction of a new 16-story courthouse annex in San Diego. Judges of the Southern District of California held a groundbreaking ceremony for the project in December. Sufficient funding for a new courthouse in Los Angeles, another pressing space need, has yet to be allocated.

Judges recognized during the year included Circuit Judge M. Margaret McKeown, who received the 2009 Founder's Award from the American Bar Association Immigration Justice Project. Circuit Judge Richard Paez was the recipient of the Benjamin Aranda Award from the Mexican American Bar Association in Los Angeles. Circuit Judge Consuelo M. Callahan received the ATHENA Award from Greater Stockton Chamber of Commerce. Circuit Judge Kim McLane Wardlaw was presented with the Ernestine Stahlhut Award from the Women Lawyers Association of Los Angeles. Senior Circuit Judge Dorothy W. Nelson was selected by Los Angeles County Bar Association as its 2009 Outstanding Jurist, and Circuit Judge Harry Pregerson received the Tom Bradley Lifetime Achievement Award from the Shelter Partnership organization.

Ninth Circuit courts mourned the passing of a number of judges during the year. They included an esteemed colleague from the Court of Appeals, Senior Circuit Judge Melvin T. Brunetti, Senior District Judge Napoleon A. Jones, Jr., of the Southern District of California and Senior District Judge Robert M. Takasugi of the Central District of California.

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

Ninth Circuit Overview

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

Judicial districts within the Ninth Circuit are the Districts of Alaska, Arizona, Central California, Eastern California, Northern California, Southern California, Hawaii, Idaho, Montana, Nevada, Oregon, Eastern Washington, Western Washington, the U.S. Territory of Guam and the Commonwealth of the Northern Mariana Islands. The establishment of the Ninth Circuit in 1866 began the development of the federal judicial system for the western United States. Today, it is the largest and busiest of federal circuits.

Judges serving on the circuit and district courts are known as Article III judges, a reference to the article in the Constitution establishing the federal judiciary. Article III judges are nominated by the president, confirmed by the Senate and serve lifetime appointments upon good behavior. The Ninth Circuit Court of Appeals has been authorized 29 judgeships and ended 2009 with two vacant positions. For most of the year, the district courts were authorized 112 judgeships, 13 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 reduced caseloads. In the court of appeals, 21 senior circuit judges were at work for most of the year, sitting on appellate panels, serving on circuit and national judicial committees, and handling a variety of administrative matters. In the district courts within the circuit, 61 senior judges heard cases, presided over procedural matters, served on committees and conducted other business during 2009.

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

In 2009, bankruptcy courts in the Ninth Circuit were authorized 68 permanent and five temporary judgeships. The district courts were authorized 100 full-time and 12 part-time magistrate judges. Several courts also utilized recalled magistrate judges.

Unless otherwise noted, statistics in this report cover the 2009 calendar year.

Judicial Council & Administration

The Judicial Council of the Ninth Circuit is the governing body of the United States Courts for the Ninth Circuit. The council's statutory mission is to support the effective and expeditious administration of justice and the safeguarding of fairness in the administration of the courts. It has statutory authority to "make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit," [28 U.S.C. 332(d)(1)].

Among the noteworthy actions taken by the Judicial Council in 2009 was the approval in December of a pilot program permitting the use of cameras, on an experimental basis, in the federal trial courts of the circuit. The Pilot District Court Public Access Program limits use of cameras to civil non-jury trials with the permission of the chief district judge and approval from the chief judge of the circuit. The first case proposed for camera coverage, a challenge to a California voter initiative banning same-sex marriage, was later halted due to procedural errors by the district court in modifying its Local Rules to allow cameras. The circuit is in the process of developing a model Local Rule and suggested guidelines to assist courts considering participating in the pilot program.

Also during the year, the Judicial Council:

- Tentatively approved "principles and practices" to assist district and bankruptcy courts in developing policies on the use of electronic devices in the courthouse and courtroom.
- Requested that district and bankruptcy courts review their local rules to assure conformity with federal rules. The Circuit Library conducted a review of all districts' rules to assist the districts in the process.
- Encouraged district courts to deal with potential problems of judicial temperament by establishing an ombudsman to serve as an intermediary between the bench and bar. Complaints brought to the ombudsman would be communicated to the chief district judge or their delegate. The idea was discussed at the bench-bar breakfast of the 2009 Ninth Circuit Judicial Conference.
- Approved for comment and notice an amendment to the rules governing operation of the Bankruptcy Appellate Panel, which hears appeals for bankruptcy court decisions. The amendment would allow the BAP to sit *en banc* for cases deemed of exceptional importance. An *en banc* court would consist of all of the judges of the BAP, rather than a three-judge panel.

The Judicial Council also has been delegated responsibilities by the Judicial Conference of the United States, the national governing body for the federal courts. These responsibilities include authorizing senior judge staffing levels and pay.

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

Conference of Chief District Judges

The Conference of Chief District Judges advises the Judicial Council of the Ninth Circuit about the administration of justice in the circuit's 15 district courts. The conference, which meets twice a year, is comprised of the chief district judge of each district. Chief District Judge Ancer L. Haggerty of the District of Oregon served as chair of the conference from February 2008 to January 2009. He was succeeded by Chief District Judge John W. Sedwick of the District of Alaska, who served as chair from February 2009 to September 2009. Chief District Judge Vaughn R. Walker of the Northern District of California assumed the gavel in October 2009.

Elevated to chief district judge during the year were District Judges Ralph R. Beistline, District of Alaska; Audrey B. Collins, Central District of California; Susan Oki Mollway, District of Hawaii; Ann L. Aiken, District of Oregon; and Lonny R. Suko, Eastern District of Washington

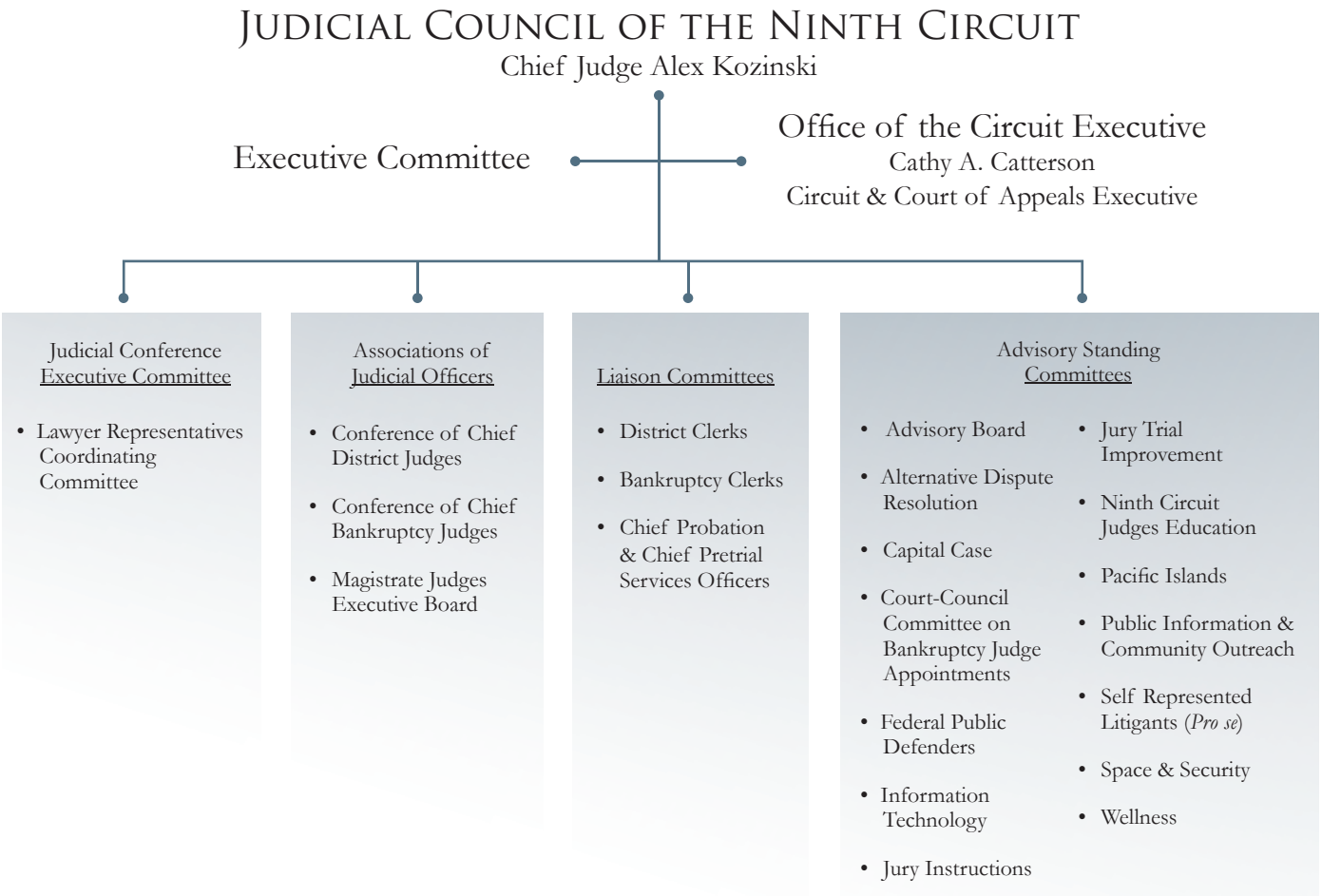
Conference of Chief Bankruptcy Judges

The Conference of Chief Bankruptcy Judges advises the Judicial Council on the administration of the bankruptcy courts within the circuit. The conference, which also meets twice per year, consists of chief bankruptcy judges from each district and the chief bankruptcy judge of the BAP. Chief Bankruptcy Judge Robert J. Faris of the District of Hawaii chaired the conference from May 2008 to November 2009, when he was succeeded by Chief Bankruptcy Judge Randall J. Newsome of the Northern District of California, who will chair the conference until September 2010.

Elevated to chief bankruptcy judge during the year was Bankruptcy Judge James M. Marlar of the District of Arizona.

Magistrate Judges Executive Board

The Magistrate Judges Executive Board communicates to the Judicial Council on behalf of the more than 100



full-time, part-time and recalled magistrate judges serving in the district courts. The 14-member board meets twice a year and holds a session with all magistrate judges at the annual circuit conference. Magistrate Judge Karen L. Strombom of the Western District of Washington is the current chair. Her term began in July 2008 and will expire in July 2010.

Clerks of Court

Day-to-day management of the courts rests with the chief judges and clerks or district executives of the court of appeals and each of the district and bankruptcy courts. The clerks' offices process new cases and appeals, handle docketing functions, respond to procedural questions from the public and bar, and provide adequate judicial staff resources. The clerk of court for the court of appeals also supervises the work of the Circuit Mediation Office and the Office of the Staff Attorneys, which includes the research, motions, case management and *pro se* (self-represented) litigation units. The Office of the Appellate Commissioner, also in the Ninth Circuit Court of Appeals Clerk's Office, reviews Criminal Justice Act vouchers for cases that come before the court of appeals.

Associated Court Units

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

The Ninth Circuit Library System assists judges, attorneys, court staff and the public through a network of 24 law libraries housed in courthouses throughout the western states. The primary mission of court librarians is to provide research services to judges and their staff. Research librarians assist law clerks on case-related research by providing guidance and recommendations, offering training opportunities, and performing direct research on more complex topics. Librarians also conduct research to assist court executives and judges in the administration of local courts and on matters involving committees of the Judicial Council of the Ninth Circuit and the Judicial Conference of the U.S. Library resources are also made available to the bar and public with the level of access determined by local judges.

Office of the Circuit Executive

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

Judicial Transitions

New Judges

District Judge

Judge Jacqueline H. Nguyen was confirmed by the Senate to serve as a district judge for the Central District of California on December 1, 2009. She received her commission on December 4, 2009, becoming the first Vietnamese-American Article III judge in the United States. Judge Nguyen served previously as a California Superior Court judge in Los Angeles County from 2002 to 2009. She served as the supervising judge for the Alhambra courthouse just prior to her appointment to the federal bench. She was the first Vietnamese-American judge appointed in the State of California. Judge Nguyen was an assistant United States attorney from 1995 to 2002 in the U.S. Attorney's Office in the Central District of California, where she served for two years as a deputy chief in the General Crimes Section, Criminal Division. Judge Nguyen began her career as an associate with the law firm of Musick, Peeler & Garrett in Los Angeles from 1991 to 1995. She received her A.B. from Occidental College in 1987 and her J.D. from the University of California at Los Angeles, School of Law, in 1991. Judge Nguyen also studied at Waseda University in Tokyo, Japan, from 1985 to 1986. She maintains chambers in Los Angeles.

Magistrate Judges

Judge David T. Bristow was appointed a magistrate judge for the Central District of California on June 22, 2009. Prior to coming onto the bench, Judge Bristow was an attorney and shareholder at Reid & Hellyer, APC, in Riverside, Calif., from 2003 to 2009. From 1997 to 2003, he was an attorney with several law firms in Riverside, including Akin, Gump, Strauss, Hauer & Feld, from 1999 to 2003, and Burke, Williams & Sorenson from 1998 to 1999. He served as a deputy public defender from 1996 to 1997 and as a deputy district attorney from 1994 to 1996, both in San Bernardino County. Judge Bristow received his B.A. in 1985 from the California State University at San Bernardino, where he was an executive editor of the university's Chronicle Newspaper. He received his J.D. from the University of the Pacific, McGeorge School of Law, in 1993. Judge Bristow served as a lawyer representative on the Ninth Circuit's Judicial Conference Executive Committee from 2006 to 2009. He maintains chambers in Riverside.

Judge John Richard Creatura was appointed a magistrate judge for the Western District of Washington on March 17, 2009. Prior to coming onto the bench, Judge Creatura was a trial attorney with the law firm of Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP, in Tacoma, Wash., from 1979 to 2009. He served on the firm's board of directors and was board chair in 1997 and 1998. Judge Creatura received his undergraduate degree from Tufts University in 1974 and his law degree from the University of the Pacific, McGeorge School of Law, in 1978. Before graduation, he served as a law clerk to then-Ninth Circuit Court of Appeals Judge Anthony M. Kennedy. Judge

Creatura served on a number of Ninth Circuit committees including the Advisory Board, the Advisory Committee on Rules, and the Lawyer Representatives Coordinating Committee. He also served on the Civil Justice Reform Act Committee for the Western District of Washington. Judge Creatura maintains chambers in Tacoma.

Judge William V. Gallo was appointed a magistrate judge for the Southern District of California on October 15, 2009. Prior to coming onto the bench, he served his country in Iraq in both military and civilian capacities. A Marine Corps reservist called up in 2003, he initially served as commanding officer of the First Marine Expeditionary Force headquarters group, then as staff judge advocate, the senior legal advisor to the commanding general of the expeditionary force, from 2003 to 2005. He returned to Iraq in 2008 as a civilian, serving as director of the Law and Order Task Force in Iraq, working directly for General David Petraeus, then commander of all U.S. troops in Iraq. Judge Gallo served as federal prosecutor in the in the Southern District of California from 1991 to 2009 and Northern District of Illinois from 1989 to 1991. He worked as a state prosecutor in the Yuma County (Arizona) Attorney's Office from 1986 to 1989. Judge Gallo received his undergraduate degree from Duquesne University in Pittsburgh in 1976 and his law degree from Loyola University, School of Law, in 1979. Judge Gallo served in the Marine Corps and Marine Corps Reserve from 1978 to 2005, retiring at the rank of colonel. He maintains chambers in San Diego.

Judge John E. McDermott was appointed a magistrate judge for the Central District of California on July 2, 2009. Prior to coming onto the bench, Judge McDermott was a senior litigation partner at Howrey LLP, in Los Angeles. He previously was a senior litigation partner at two other Los Angeles law firms, Cadwalader, Wickersham, & Taft LLP from 1994 to 1997 and McDermott, Will & Emery from 1987 to 1990. He also worked from 1981 to 1987 at Memel, Jacobs, Pierno, Gersh & Ellsworth in Los Angeles, where he held various positions including co-managing partner and chairman of the litigation department. Judge McDermott worked from 1972 to 1981 at Western Center on Law and Poverty, Inc., rising from staff attorney to executive director. He was an associate at Latham & Watkins in Los Angeles from 1971 to 1972. He taught courses at the USC Law School from 1980 to 1981 and from 1973 to 1974. Judge McDermott received his B.A. from Ohio Wesleyan University in 1968 and his J.D. from Harvard Law School in 1971. He maintains chambers in Los Angeles.

Judge Jennifer L. Thurston was appointed a magistrate judge for the Eastern District of California on December 31, 2009. Prior to her appointment to the bench, she served as a California Superior Court *pro tem* judge (Kern County) from 2007 to 2009. Judge Thurston was a deputy county counsel, Office of the County Counsel, Kern County, from 1997 to 2009. Prior to that, she was a Kern County district attorney and law clerk in 1997. She served as vice president of Kern County Bar Association's Executive Committee in 2009 and served on its board of directors from 2003 to 2007 and from 2008 to 2009. Judge Thurston received

Magistrate Judges continued

her B.S. from the California State University at Bakersfield in 1989 and her J.D. in 1997 from the California Pacific, School of Law, in Bakersfield. She maintains chambers in Bakersfield.

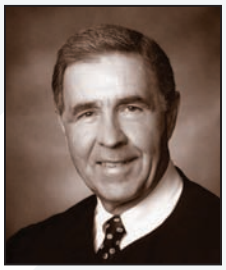
Judge Nandor J. Vadas was appointed a full-time magistrate judge for the Northern District of California on November 5, 2009. He had served the court previously as a part-time magistrate judge from 2004 to 2009. Prior to coming onto the bench, he served as deputy district attorney in Humboldt County, California, from 1999 to 2004; as an assistant U.S. attorney for the Northern District of California, from 1989 to 1998; and as a deputy district attorney for the City and County of San Francisco from 1983 to 1989. He engaged in private practice and real estate development from 1978 to 1983. Judge Vadas received his B.A. from the University of California at Santa Cruz in 1974 and his J.D. from the University of California, Hastings College of the Law, in 1978. He maintains chambers in Eureka.

New Senior Judges

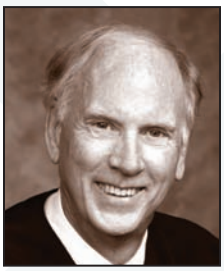
Judge Maxine M. Chesney was confirmed by the Senate to serve as a district judge for the Northern District of California on May 8, 1995. She received her commission on May 10, 1995, and took senior status on June 30, 2009. Prior to her appointment to the federal bench, Judge Chesney served as a California Superior Court judge (City and County of San Francisco) from 1983 to 1995 and as a California Municipal Court judge in San Francisco from 1979 to 1983. She worked in the Office of the San Francisco District Attorney as a senior trial attorney, head trial attorney, and assistant chief deputy from 1968 to 1979. Judge Chesney received her B.A. from the University of California at Berkeley in 1964 and her J.D. from the University of California, Boalt Hall School of Law, in 1967. She maintains chambers in San Francisco.

Judge Helen W. Gillmor was confirmed by the Senate to serve as a district judge for the District of Hawaii on October 7, 1994. She received her commission on October 11, 1994. Judge Gillmor served as chief judge of the district from 2005 to 2009 and took senior status on June 30, 2009. Prior to coming onto to the federal bench, Judge Gillmor served as a district judge, District Court of Hawaii, First Circuit, from 1983 to 1985, and as a district judge, Hawaii State Family Court, First Circuit, from 1977 to 1983. She was a lecturer at the University of Hawaii in 1975. Judge Gillmor worked as a deputy public defender in the Office of the Public Defender in Honolulu from 1972 to 1974. She served as a law clerk to Chief Justice William Richardson of the Hawaii State Supreme Court in 1972. Judge Gillmor received her B.A. from Queens College, City University of New York, in 1965, and her LL.B. from Boston University, School of Law, in 1968. She maintains chambers in Honolulu.

Judge Ancer L. Haggerty was confirmed by the Senate to serve as a district judge for the District of Oregon on March 25, 1994. He received his commission on March 28, 1994. Judge Haggerty served as chief judge of the district from 2002 to 2009 and took senior status on August 26, 2009. Prior to his appointment to the federal bench, Judge Haggerty served as a judge of the Oregon Circuit Court (Multnomah County) from 1990 to 1993 and as a judge of the Oregon District Court (Multnomah County) from 1989 to 1990. He was in private practice as a partner at Schwabe, Williamson and Schwabe from 1983 to 1988 and was an associate at Souther, Spaulding, Kinsey, Williamson and Schwabe from 1977 to 1982. He entered active duty in the Marine Corps in 1966 and was released in 1970 at the rank of 1st lieutenant after serving in Vietnam. Judge Haggerty received his B.S. from the University of Oregon at Eugene in 1967 and his J.D. from the University of California, Hastings College of the Law, in 1973. He maintains chambers in Portland.



Judge Garr M. King was confirmed by the Senate to serve as a district judge for the District of Oregon on April 27, 1998. He received his commission on April 30, 1998, and took senior status on January 30, 2009. Prior to coming onto the bench, he was a partner at Kennedy, King and Zimmer, LLP, from 1971 to 1998. Judge King was an associate then partner at Morrison and Bailey from 1966 to 1971. He served as a deputy district attorney, Multnomah County, Oregon, from 1963 to 1966. Judge King worked as a trust officer at The Oregon Bank (now Bank of America) from 1961 to 1963. He entered active duty in the Marine Corps in 1954 and was released as sergeant in 1957. Judge King received his undergraduate degree from the University of Utah in 1959 and his LL.B. from Northwestern College of Law in Portland in 1963. He maintains chambers in Portland.



Judge M. James Lorenz was confirmed by the Senate to serve as a district judge for the Southern District of California on October 1, 1999. He received his commission on October 5, 1999, and assumed senior status on October 25, 2009. Prior to his appointment to the bench, he was a partner at Lorenz, Alhadeff, Cannon and Rose, LLP, from 1988 to 1999; a partner at Finley, Kumble and Wagner from 1983 to 1987; and a partner at Lorenz, Alhadeff, Fellmeth, Arkin and Multer in 1982. Judge Lorenz served as a first assistant U.S. attorney then U.S. attorney in the U.S. Attorney's Office for the Southern District of California from 1978 to 1981. He was a deputy district attorney in the San Diego County District Attorney's Office from 1966 to 1978. Judge Lorenz received his B.A. from the University of California at Berkeley in 1957 and his J.D. from California Western, School of Law, in San Diego in 1965. He maintains chambers in San Diego.

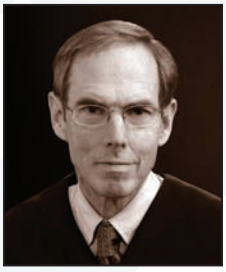
Judge Marilyn Hall Patel was confirmed by the Senate to serve as a district judge for the Northern District of California on June 26, 1980. She received her commission on June 30, 1980. Judge Patel served as chief judge of the district from 1997 to 2004 and took senior status on October 30, 2009. Prior to her appointment to the federal bench, Judge Patel served as a California Municipal Court judge, Oakland-Piedmont Judicial District, from 1976 to 1980. She was an adjunct professor of law at the University of California,

New Senior Judges continued

Hastings College of the Law, from 1974 to 1976. Judge Patel engaged in private practice in San Francisco from 1971 to 1976. Judge Patel received her B.A. from Wheaton College in Norton, Mass., in 1959 and her J.D. from Fordham University, School of Law, in 1963. She maintains chambers in San Francisco.

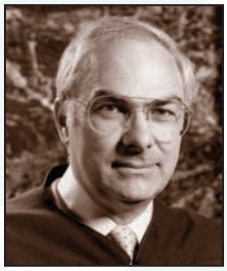
Judge Alicemarie H. Stotler was confirmed by the Senate to serve as a district judge for the Central District of California on May 1, 1984. She received her commission on May 3, 1984. Judge Stotler served as chief judge of the district from 2005 to 2009 and assumed senior status on January 5, 2009. Prior to coming onto the bench, Judge Stotler engaged in private practice in Newport Beach, Calif., from 1983 to 1984. She served as a California Superior Court judge (Orange County) from 1978 to 1983; as a justice *pro tem*, Fourth District Court of Appeal, Division Two, San Bernardino, Calif., in 1977; and as a California Municipal Court judge, Harbor Judicial District, Newport Beach, from 1976 to 1978. Judge Stotler also engaged in private practice in Tustin, Calif., from 1973 to 1976 and was a deputy district attorney in Orange County from 1967 to 1973. Judge Stotler received her B.A. from the University of Southern California in 1964 and her J.D. from the USC Law School in 1967. She maintains chambers in Santa Ana.

Judge Robert H. Whaley was confirmed by the Senate and received his commission to serve as a district judge for the Eastern District of Washington on June 30, 1995. He served as chief judge of the district from 2005 to 2009 and took senior status on July 12, 2009. Prior to his appointment to the federal bench, Judge Whaley served as a Washington Superior Court judge (Spokane County) from 1992 to 1995. He was a partner at Winston and Cashatt in Spokane from 1972 to 1992. He also served as an assistant U.S. attorney for the Eastern District of Washington from 1971 to 1972 and was a trial attorney for the Department of Justice, Land and Natural Resources Division, from 1969 to 1971. Judge Whaley received his A.B. from Princeton University in 1965 and his J.D. from Emory University, School of Law, in 1968. He maintains chambers in Spokane.



Judge Ronald M. Whyte was confirmed by the Senate to serve as a district judge for the Northern District of California on February 6, 1992. He received his commission on February 10, 1992, and assumed senior status on March 2, 2009. Prior to his appointment to the federal bench, Judge Whyte served as a California Superior Court judge (Santa Clara County) from 1989 to 1992. He engaged in private practice as an associate then partner with the law firm of Hoge, Fenton, Jones and Appel in San Jose, Calif., from 1971 to 1989. Judge Whyte received his A.B. from Wesleyan University in 1964 and his J.D. from the USC Law School in 1967. He served as a lieutenant, Naval Reserve, Judge Advocate General's Corps, from 1968 to 1971. Judge Whyte maintains chambers in San Jose.

In Memoriam



Judge Melvin T. Brunetti, 75, of the U.S. Court of Appeals for the Ninth Circuit, died on October 30, 2009. Nominated by President Reagan, Judge Brunetti was confirmed by the Senate on April 3, 1985, and received his commission on April 4, 1985. He assumed senior status on November 11, 1999. Prior to his appointment to the bench, Judge Brunetti was a shareholder in the firm of Allison, Brunetti, MacKenzie, Hartman, Soumbeniotis and Russell from 1978 to 1985; an associate then partner in the firm of Laxalt, Bell, Berry, Allison and LeBaron from 1970 to 1978; and an associate at Vargas, Bartlett and Dixon from 1964 to 1969. Judge Brunetti attended the University of Nevada and received his J.D. from the University of California, Hastings College of the Law, in 1964. Judge Brunetti is survived by his wife, Gail; two children, Nancy and Bradley; two brothers, Larry and Frank; two grandchildren; and four great-grandchildren. Another son, Melvin Jr., is deceased.

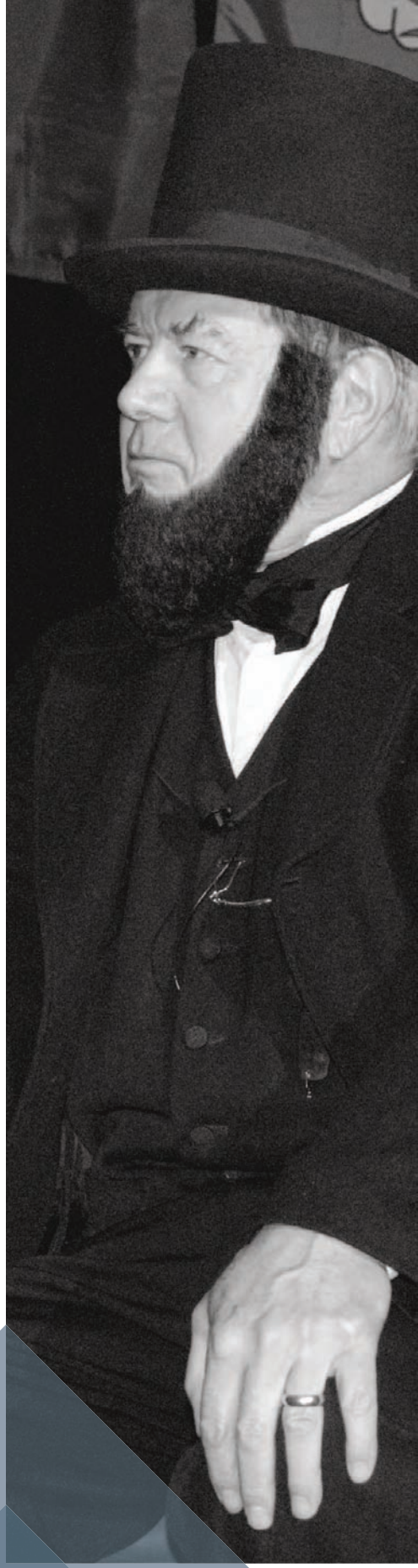
Judge Napoleon A. Jones, Jr., 69, a district judge of the U.S. District Court for the Southern District of California, died on December 12, 2009. Nominated by President Clinton, Judge Jones was confirmed by the Senate on September 14, 1994, and received his commission on September 15, 1994. Judge Jones took senior status on September 19, 2007. Prior to coming onto the federal bench, he served as a California Superior Court judge (San Diego County) from 1982 to 1994 and as a Municipal Court judge in San Diego from 1977 to 1982. He was in private practice in San Diego from 1975 to 1977. He began his career working first as an intern then staff attorney for California Rural Legal Assistance in Modesto, Calif., from 1971 to 1973, followed by a stint as a staff attorney at the Defenders, Inc., of San Diego, from 1973 to 1975. Judge Jones received his B.A. from San Diego State University in 1962 and his J.D. from the University of San Diego, School of Law, in 1971. He served in the Army from 1962 to 1965. Judge Jones is survived by his wife of 19 years, Rosalyn; a daughter by a previous marriage, Lena Laini Jones; and two grandsons.

Judge Donal D. Sullivan, 77, a retired bankruptcy judge of the U.S. Bankruptcy Court for the District of Oregon, died on January 23, 2009. He was initially appointed on October 1, 1969 and was appointed to a 14-year term on September 22, 1986. He served as chief bankruptcy judge from 1994 to 1997. Before his appointment, Judge Sullivan was the clerk of the U.S. District Court for the District of Oregon from 1965 to 1969 and, before that, served as first assistant U.S. attorney for the district from 1962 to 1965. He was an assistant attorney general for the State of Oregon from 1960 to 1962. Judge Sullivan attended Loyola University and the Illinois Institute of Technology, and received his J.D. from De Paul University Law School in 1957. He served on active duty with the Marines in 1949 and was honorably discharged in 1953. Judge Sullivan was preceded in death by his wives, Marilyn and Carol, and is survived by his wife, Dede; two sisters; ten children and step-children; and 27 grandchildren and step-grandchildren.

In Memoriam continued

Judge Robert M. Takasugi, 78, a district judge of the U.S. District Court for the Central District of California, died on August 4, 2009. Nominated by President Ford, Judge Takasugi was confirmed by the Senate on May 6, 1976, and received his commission on May 7, 1976. He assumed senior status on September 30, 1996. Prior to coming onto the federal bench, he served as a California Superior Court judge (Los Angeles County) from 1975 to 1976 and as a California Municipal Court judge in Los Angeles from 1973 to 1975. He engaged in private practice in Los Angeles, Calif., from 1960 to 1973 and was a hearing examiner for the Los Angeles Police Commission from 1962 to 1965. He was a corporal in the Army from 1953 to 1955. Judge Takasugi received his B.S. from the University of California at Los Angeles in 1953 and his J.D. from the USC Law School in 1959. He is survived by his wife, Dorothy; his son, Jon; and his daughter, Lee.

Ninth Circuit Highlights



Courts Find New Ways to Respond to Influx of *Pro Se* Cases

Pro se cases, in which at least one party is not represented by legal counsel, continue to pose significant challenges to all federal courts. These cases generally require additional time and effort by judges and court staff due to the self-represented litigant's limited familiarity with the law. Federal courts in the Ninth Circuit have responded in various ways to assure that *pro se* cases are handled appropriately.

The Ninth Circuit Court of Appeals received 5,931 *pro se* appeals, which accounted for 48.5 percent of all new appeals in 2009. Prisoner petitions, 2,744, and agency appeals, 1,321, accounted for 68.5 percent of new *pro se* filings.

In 2009, district courts in the Ninth Circuit reported 15,663 *pro se* filings, representing 35.4 percent of all civil filings in the circuit. Of these *pro se* filings, 68.5 percent were prisoner petitions and 31.5 percent were non-prisoner petitions.

Bankruptcy courts reported 53,641 *pro se* filings, representing 15.8 percent of all bankruptcy filings in the circuit for 2009. Nationally, *pro se* filings represent 7 percent of all bankruptcy filings.

The Court of Appeals migration to an electronic case management and filing system, completed in 2009, has improved the administration of *pro se* cases. The new system allows for the use of form-generated orders for greater efficiency and uniformity. The system is being used to produce many of the initial orders issued in *pro se* appeals, such as orders to show cause relating to jurisdiction, fees and summary disposition. In addition, the court can now use the same system for filing pleadings and tracking cases within the court, instead of a separate system.

Finally, the court is now scanning all paper filings, including *pro se* filings, so that everything in every *pro se* case is now available for judges, court staff and litigants to view on Public Access to Court Electronic Records (PACER) system.

Another important technological advancement at both the trial and appellate court level is the promulgation of the National Three Strikes Database, which was designed and implemented by the Ninth Circuit and is being used in federal courts throughout the nation. The database makes it easier to identify *pro se* litigants who file cases found to be without merit. As a means of discouraging frivolous filings, those with three or more "strikes" are required to pay filing fees rather than proceeding in *forma pauperis*.

Pictured from left are Chief District Judge Roger L. Hunt of the District of Nevada and District Judge Susan R. Bolton of the District of Arizona.

Pro Se Clinics

In February 2009, the Central District of California opened a *pro se* clinic in the federal courthouse in downtown Los Angeles. The clinic is administered by a non-profit law firm, Public Counsel. It offers on-site information and guidance to individuals representing themselves in federal civil suits. From February 2009 to December 2009, *pro se* litigants made 1,340 visits to the clinic. Of the total, 45.3 percent were first-time visitors and 54.7 percent were repeat visitors.

The most common types of claims made by *pro se* litigants who visited the Los Angeles clinic were civil rights, foreclosure and housing-related, employment discrimination, cases claiming diversity or supplemental jurisdiction, and intellectual property. About 13 percent of *pro se* litigants were defendants.

The Northern District of California also opened an on-site clinic in the federal courthouse in San Francisco. The program is sponsored by the Bar Association of San Francisco's Volunteer Legal Services Program.

Pro Se Committee

In 2009, the Ninth Circuit's Committee on Self-Represented (*Pro se*) Litigants Committee focused on creating educational and training opportunities for court staff and judges. The committee sponsored a *pro se* conference and has been working with the Federal Judicial Center to create a federal bench guide on *pro se* issues.

The committee also continues to explore alternative case management practices and assists courts with the implementation and evaluation of their *pro se* programs.

The fifth annual Ninth Circuit *Pro se* Conference, held September 10-11 in Coronado, California, drew some 100 district and magistrate judges, *pro se* law clerks, and other court staff. The event was supported by the Office of the Circuit Executive. All 15 judicial districts of the circuit and the Ninth Circuit Court of Appeals participated.

Senior Circuit Judge J. Clifford Wallace, who has chambers in San Diego, opened the conference by recognizing the dedication and effort by all those working on *pro se* litigation. District Judge A. Howard Matz of the Central District of California, who delivered the keynote address, was instrumental in the development of the Central District's downtown Los Angeles federal *pro se* clinic.

Northern District of California Magistrate Judge Edward M. Chen, who served as chair of the *Pro Se* Committee from 2006 to 2009, welcomed the conference attendees. The program included several panel discussions led by experts on prison issues such as placement, protective segregation, and the grievance process; an update on *pro se* law clerk staffing formula; effective case management strategies; Alternative Dispute Resolution (ADR) as case management tool; and an update on the National Three Strikes database.

Conference speakers included Erwin Chemerinsky, dean and distinguished professor of law at the University of California, Irvine School of Law and Richard Zorza, coordinator, National Self-Represented Litigation Network. The program also featured a demonstration of E-*Pro se*, an electronic document assembly system for *pro se* litigants developed by the U.S. District Court for the Eastern District of Missouri.

Sentencing Commission Hears from Judges

Judges and court staff from federal courts of the Ninth Circuit were among the witnesses who testified at a United States Sentencing Commission public hearing held May 27-28 at Stanford Law School in Palo Alto, California.

The hearing was the second in a series of regional hearings called to mark the 25th anniversary of the Sentencing Reform Act of 1984, which established the USSC and authorized the commission to develop guidelines for use by federal judges in determining criminal sentences. The guidelines were initially mandatory but subsequently deemed to be advisory by the Supreme Court of the United States.

Ninth Circuit Chief Judge Alex Kozinski and Circuit Judge Richard C. Tallman of the U.S. Court of Appeals for the Ninth Circuit led off the Stanford program, sharing views of sentencing issues from the appellate bench.

Federal trial court judges from four western states also offered remarks. They included Chief District Judge Vaughn R. Walker (CAN); Chief District Judge Susan Oki Mollway (HI); Chief District Judge B. Lynn Winmill (ID); and Chief District Judge Robert S. Lasnik (WAW). District Judges Charles R. Breyer (CAN) and Edward F. Shea (WAE) also gave remarks.

Other witnesses included U.S. attorneys, federal public defenders, and probation officers from throughout the circuit.

Congress established the U.S. Sentencing Commission as an ongoing, independent agency within the judicial branch. Its seven voting members are appointed by the president and confirmed by the Senate, and serve six-year terms. The attorney general and the chair of the U.S. Parole Commission, or their designees, serve as ex officio members of the commission.

In calling the hearings, the USSC sought to hear directly from judges, federal prosecutors and defense counsel, academics and others involved with sentencing policy and practices. Topics included the effects of the Supreme Court's 2005 *Booker* decision, which made the guidelines advisory, on both sentencing and appellate review of sentences.

The Ninth Circuit Court of Appeals received more than 700 appeals in fiscal year 2009 related to either sentencing or sentencing and convictions.

Ninth Circuit *Pro bono* Recognition

Lawyers from Northern California and the Pacific Northwest were recognized during the year for their *pro bono* representation of appellants before the United States Court of Appeals for the Ninth Circuit.

Receptions held in March at the James R. Browning U.S. Courthouse in San Francisco and in June at the William K. Nakamura U.S. Courthouse in Seattle acknowledged the contributions of lawyers, law firms and law schools to the Ninth Circuit *pro bono* program, which provides

Attorney Sanford "Sandy" Svetcov, left, receives a certificate of appreciation from Ninth Circuit Chief Judge Alex Kozinski. Mr. Svetcov has coordinated the court of appeal's Northern California pro bono program since 1995.

representation to about 200 appellants in civil cases each year. Cases are selected for the program based on legal merit and the lack of representation by legal counsel.

The Ninth Circuit *pro bono* program was begun in 1995 by the court working with attorneys who serve as lawyer representatives of the judicial districts within the circuit. A lawyer representative or designee coordinates the program in each district, recruiting attorneys, maintaining lists of available attorneys and matching counsel to *pro bono* cases. Lawyers participating in the program are guaranteed an opportunity to argue the case before an appellate panel.

Receiving certificates were three district coordinators, Sanford "Sandy" Svetcov of the Northern District of California, Margaret Johns of the Eastern District of California and Andrew Jacobs of the Nevada and Arizona districts. Susan Gelmis, a supervising staff attorney and director of the Ninth Circuit *pro bono* program, singled out Mr. Svetcov, who has served as the Northern California coordinator since the program began.

Also recognized were the law schools at the University of California at Davis and Santa Clara University. Both schools have faculty-supervised programs in which third-year law students take *pro bono* cases, conducting research, writing briefs and arguing cases. UC Davis has been involved since the program began, while Santa Clara University joined in 2006.

Certificates also were given to attorneys Charles L. Post, Thadd Blizzard, Todd R. Gregorian and Warrington S. Parker, III; and to the law firms of Latham & Watkins, which has taken 20 *pro bono* cases; and Morrison & Foerster, which has taken 33 cases.

Among those recognized from the Pacific Northwest was Leonard Feldman, the long-time *pro bono* coordinator for the districts of Alaska, Idaho, Montana, Oregon and Washington. He has placed over 100 appeals for the program, a fair number of whom he has represented personally. Mr. Feldman also works with the University of Washington, School of Law Clinic, supervising students who take appeals through the Ninth Circuit's *pro bono* program.

Julie Ronken, former *pro bono* coordinator for the Ninth Circuit Court of Appeals, and Matt Adams, attorney from the Northwest Immigrant Rights Project also received certificates for providing *pro bono* representation of appellants before the U.S. Court of Appeals for the Ninth Circuit.

Also recognized were the law firms of Perkins Coie, LLP, and Davis Wright Tremaine, LLP; the University of Idaho, College of Law; and the University of Washington, School of Law, for their involvement in the circuit's *pro bono* program.

Ninth Circuit Bench, Bar Making Transition to Electronic Documents

While it may never be a paperless operation, the United States Court of Appeals for the Ninth Circuit is making a successful transition to the use of electronic documents.

The nation's largest federal appellate court switched to an improved electronic case management in March 2008 then introduced electronic case filing, or ECF, to the federal bar in September 2008. Since then, more than 23,000 attorneys have signed up to use ECF, which became mandatory in the Ninth Circuit on January 2, 2009.

"I think we're making good progress," Clerk of Court Molly C. Dwyer said of the ECF implementation. "It has been a learning experience for the attorneys, for staff and for judges. I am grateful to everyone for their continued patience as we continue to refine the process."

The court was averaging about 325 new ECF users each week and expects to eventually register more than 30,000 attorneys for the service. Registration is mandatory for all attorneys and enables the court to associate attorneys with new or ongoing cases.

ECF allows attorneys to file documents directly with the court via the Internet using standard computer hardware and software. The system offers numerous benefits for the bar, most notably 24-hour access, automatic email notice of case activity, and expanded search and reporting capabilities. There is no extra charge for filing electronically.

Court outreach to the legal community has helped smooth the way for the ECF rollout.

Since 2008, court staff has conducted 50 hands-on training sessions in Anchorage, Seattle, Portland, Eugene, Billings, Boise, San Francisco, Sacramento, Honolulu, Phoenix, Tucson, Las Vegas, Los Angeles and San Diego. More than 2,800 attorneys, paralegals and legal secretaries have participated in the training.

One of the more important training sessions was held in February in Washington, D.C., for 150 attorneys and other staff of the Office of Immigration Litigation in the U.S. Department of Justice. The OIL group represents the government in immigration appeals, which account for 26.8 percent of the Ninth Circuit's caseload.

Special sessions also have been provided to the offices of U.S. attorneys and to attorneys general in the western states.

Hands-on training continues to be offered monthly at the James R. Browning U.S. Courthouse in San Francisco, the Ninth Circuit headquarters. Training videos and other materials also are available from the court's ECF web site: http://www.ca9.uscourts.gov/cmecf.

The ECF team includes, front row from left, Bradley Ybarreta, John Maurer, Marianne Armenta, Denise Leonard, John Ilagan, Annette Wegscheider, Liz Noteware; back row from left, Tim Perdue, Howard Hom, Estela Urrutia, Tina Price, Don McFarland, Chris Bransford. Not pictured: Pat Harris, Tin Nguyen, Susan Soong, Kathleen Butterfield.

Judicial Conference Navigates Turbulent Times

The 2009 Ninth Circuit Judicial Conference, held July 20-23 in Monterey, California, drew nearly 600 judges, attorneys, court staff and special guests, including Secretary Janet Napolitano of the United States Department of Homeland Security and U.S. Solicitor General Elena Kagan.

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

Ninth Circuit Chief Judge Alex Kozinski welcomed attendees to the annual event, which was last held in Monterey in 2004. Attorney Kelli L. Sager of Los Angeles presided over the event as chair of the Conference Executive Committee, while Chief Judge Irma E. Gonzalez of the Southern District of California served as program chair.

Educational Programs

Organized around the theme "Navigating Through Turbulent Times," the conference included programs on improving the administration of justice in the Ninth Circuit, U.S. economic woes and how upheavals in the media have changed news gathering and dissemination. Other presentations focused on cyber-crime, civil litigation involving climate change and judicial wellness.

A special program to observe Abraham Lincoln's 200th birthday was held on the opening day, featuring an enactment of a fictional conversation between General Ulysses S. Grant and Lincoln five days after the Confederate surrender ended the Civil War. Circuit Judge Michael Daly Hawkins portrayed Grant, and Circuit Judge Stephen Trott assumed the role of Lincoln.

General session presentations included "Where Have All the Reporters Gone?" The segment focused on the disappearance of traditional media and the emergence of new online media. Circuit Judge Mary M. Schroeder

of Phoenix introduced the panel, which included Chief District Judge Robert S. Lasnik of the Western District of Washington; Nina Totenberg, legal affairs correspondent for National Public Radio; Harold W. Fuson, Jr., executive vice president, Copley Press; and David Lat, founding editor of the website, Above the Law. Linda Greenhouse, Knight Distinguished Journalist-in-Residence and Joseph Goldstein Senior Fellow in Law at Yale Law School, moderated the panel.

In "The Economy in Crisis: The Practical and Legal Limits to Government Intervention" segment, experts discussed the practical and constitutional limits upon the executive, legislative, and judicial branches of the federal government amidst the U.S. financial crisis. Panelists included J. Bradford DeLong, professor of economics at the University of California at Berkeley; Richard A. Epstein, James Parker Hall distinguished service professor at the University of Chicago Law School; Joseph A. Grundfest, William A. Franke professor of law and business at Stanford Law School; and Ronald D. Sugar, Ph.D., chief executive officer and chairman of the board, Northrop Grumman Corporation. David A. Kaplan, contributing editor of Newsweek, moderated the panel. Introductions were made by Circuit Judge Milan D. Smith, Jr., of El Segundo, California.

In the session on "Breakfast with the Bench – Improving the Administration of Justice in the Ninth Circuit: A Frank Discussion Between the Bench and Bar," Ninth Circuit lawyer representatives were asked to respond to survey questions about problems, issues, or concerns pertaining to courts in the Ninth Circuit and its court system as a whole and proposed solutions to address them. Issues discussed included judicial temperament and demeanor and inconsistency in "local" rules. The panel was introduced by Circuit Judge N. Randy Smith of Pocatello. Panel members included Circuit Judge Sidney R. Thomas of Billings; District Judge Neil V. Wake of Phoenix; Chief Bankruptcy Judge Peter W. Bowie of San Diego; Chief Magistrate Judge Karen L. Strombom of Tacoma, Washington; Cathy A. Catterson, Ninth Circuit and Court of Appeals Executive; Richard H. Weare, District Clerk and Court Executive for the District of Arizona; and Robbin Itkin, a lawyer representative from the Central District of California.

A panel of experts discussed "Hollywood Cyber-Crime: Fact or Fiction?" The session focused on the possibility of cyber terrorists taking over the nation's computer systems, crippling banks, businesses, and the government. They shared their inside views on what was technically possible and which scenarios were likely to be part of the real world. Panel members and moderator were introduced by Jo S. Levy, a lawyer representative from the District of Oregon. Experts included Scott Borg, director and chief economist, U.S. Cyber Consequences Unit; Ovie Carroll, director, Cybercrime Lab, Computer Crime and Intellectual Property Section, U.S. Department of Justice; Dorothy Denning, professor, Naval Post Graduate School; and Sean Varah, Ph.D., chief executive officer, MotionDSP.

Pictured on the opposite page from the top are Secretary Janet Napolitano, U.S. Department of Homeland Security and Circuit Judge Michael Daly Hawkins, and on the bottom from left are Magistrate Judges Suzanne H. Segal (CAC) and John Richard Creatura (WAW), and District Judge Marilyn L. Huff (CAS). On this page from the left are Conference Chair Kelli L. Sager, Chief Circuit Judge Alex Kozinski, and U.S. Solicitor General Elena Kagan.

Judicial Conference Award Presentations

Pictured from top: Circuit Judge Mary M. Schroeder (right) with Harry H. Schneider, Jr., Ninth Circuit Professionalism Award recipient; Senior Circuit Judge Dorothy W. Nelson with Dawn M. Osborne-Adams, 2009 Peckham Award recipient; and Senior Circuit Judge Dorothy W. Nelson with Janet Martinez, senior lecturer and director of the Gould Center at Stanford Law School.

The Ninth Circuit Judicial Conference provides an opportunity to recognize outstanding service to the legal profession and judicial system. Awards established by the Judicial Council of the Ninth Circuit, the Administrative Office of the United States Courts, and the prestigious American Inns of Court are presented during the conference. The following recipients were announced for 2009:

Ninth Circuit Professionalism Award

Attorney Harry H. Schneider, Jr., received the 2009 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."

Mr. Schneider is a widely respected trial lawyer and partner in the Seattle law firm of Perkins Coie. He has been a litigator for more than 30 years with the firm, where his practice includes intellectual property, securities, professional liability defense, and trust and estate actions.

Mr. Schneider has served on the American Bar Association's Committees on Professional Discipline and Professional Liability and as a special counsel to the Washington State Bar Association's Disciplinary Committee. He received his bachelor's degree from the University of California at Berkeley in 1976 and his J.D. from the University of Chicago Law School in 1979.

The American Inns of Court, a national organization with 340 inns and more than 100,000 active and alumni members, is dedicated to excellence, civility, professionalism, and ethics in the practice of law. An American Inn of Court is an amalgam of judges, lawyers, and in some cases, law professors and law students. The inns are intended to improve the skills, professionalism and ethics of the bench and bar.

Alternative Dispute Resolution Awards

Dawn M. Osborne-Adams, of the U.S. District Court for the Central District of California in Los Angeles, received the 2009 Robert F. Peckham Award for Excellence in Alternative Dispute Resolution. The Peckham award recognizes judiciary employees who have significantly advanced the delivery of effective court-based ADR programs in the circuit.

As manager of ADR programs for the Central District, Ms. Osborne-Adams provides ADR information and guidance to parties, counsel, judges, court staff, attorney settlement officers, academic institutions, other courts and the public. Her contributions include standardizing the system used to assign settlement attorneys to

cases, implementing a reimbursement policy for their out-of-pocket expenses, developing a statistical database for ADR cases, coordinating ADR programs with other courts, and promoting better understanding of ADR in the legal community and general public. She has managed the Central District program since 2006.

Stanford Law School's Gould Center for Conflict Resolution programs, received the 2009 Ninth Circuit ADR Education Award, which recognizes law schools that have significantly advanced ADR scholarship and research. Stanford Law School's Gould Negotiation and Mediation Program integrates ADR principles into the legal education curriculum. The program consists of eight different courses, plus opportunities for clinical practice and research. Janet Martinez, senior lecturer and director of the Gould Center, accepted the award on behalf of the school at the Ninth Circuit Judicial Conference in Monterey, Calif.

John P. Frank Award

Also announced at the conference was the selection of attorney Thomas J. McDermott, Jr., as recipient of the 2009 John P. Frank Award. The Frank award recognizes a lawyer who has "demonstrated outstanding character and integrity; dedication to the rule of law; proficiency as a trial and appellate lawyer; success in promoting collegiality among members of the bench and bar; and a lifetime of service to the federal courts of the Ninth Circuit."

Pictured right is Thomas J. McDermott receiving the John P. Frank Award in San Francisco from Steve Cochran, chair of the Ninth Circuit Advisory Board.

Mr. McDermott's professional career spans 50 years and includes substantial service to the federal courts in the Ninth Circuit. He has handled over 200 complex cases in the past 20 years ranging from commercial, securities, high technology, consumer fraud, copyright, antitrust litigation, patent, and unfair competition. Some of the cases he handled included 40 class actions.

The last day of the conference included a segment on the ongoing debate about climate change and stricter environmental regulation. Panel experts discussed and examined recent trends in civil litigation arising from allegations about climate change. Chief District Judge Anthony W. Ishii, Eastern District of California, introduced the panel members and moderator. Panelists included David Bookbinder, chief climate counsel, Sierra Club; Sam Kazman, general counsel, Competitive Enterprise Institute; Ellen Peter, chief counsel, California Air Resources Board; and Robert A. Wyman, Jr., partner and global co-chair of Climate Change Practice Group, Latham & Watkins, LLP.

As an ongoing effort to ensure the well-being of judges and court staff throughout the Ninth Circuit, a health segment has become a regular part of the conference program. "Use It or Lose It: Mental Fitness at the Brain Gym" featured Dr. Michael Merzenich, Ph.D., co-founder and chief scientific officer of Posit Science, and a leading pioneer in brain plasticity research. Attorney Wendy Holton, Conference Executive Committee member from the District of Montana, introduced Dr. Merzenich to the conference attendees.

Conversation with the Solicitor General

Solicitor General Elena Kagan participated in the "Conversation" segment of the conference, held on the closing day of the conference. Chief Judge Alex Kozinski and Kelli L. Sager engaged the solicitor general on a number of legal fronts, including how the government chooses its cases.

Judge Fletcher Honored for Lifetime of Work

The Washington state legal community and invited guests from across the country gathered in Seattle to honor Senior Circuit Judge Betty Binns Fletcher of the United States Court of Appeals for the Ninth Circuit.

Judge Fletcher was honored at a law symposium held on March 6 at the University of Washington, School of Law. The event, which was hosted by members of the Washington Law Review, celebrated Judge Fletcher's career achievements and contributions to the law, women's rights and the UW School of Law.

For more than 30 years, Judge Fletcher has been a member of the Ninth Circuit Court of Appeals. Nominated by President Carter and confirmed by the Senate in 1979, she is the court's seventh most senior judge in years of service.

A Tacoma native and 1956 graduate of UW School of Law, Judge Fletcher is widely credited with breaking the "glass ceiling" that prevented women lawyers in Washington from rising to positions of greater authority and influence. In addition to being the first woman from Washington to serve on the Ninth Circuit Court of Appeals, she was the first woman president of the King County Bar Association and the first woman to serve on the Washington State Bar Association Board of Governors.

The symposium included a keynote address by Judge Fletcher's son, Circuit Judge William A. Fletcher, who followed her onto the Ninth Circuit bench in 1998, and panel discussions of areas of the law which have been influenced by Judge Fletcher's decisions. Panelists included deans and professors from some of the nation's most prestigious law schools.

Wellness Committee Sponsors Pre-Retirement Seminar for Judges

The Ninth Circuit Wellness Committee sponsored a pre-retirement seminar in April that was attended by more than 50 judges and their spouses. It was the fourth pre-retirement seminar organized by the Office of the Circuit Executive and sponsored by the Wellness Committee, which was established by the Judicial Council of the Ninth Circuit to promote health and wellness among judges.

Pictured from left are Senior Circuit Judge Jerome Farris and Senior District Judge Consuelo B. Marshall (CAC).

District of Nevada Judge Philip M. Pro, chair of the Wellness Committee, gave the welcoming and opening remarks. He has been a member of the committee since 2000 and became chair in 2005.

The program included sessions on benefits, financial planning, tax and estate planning, and presentations focusing on health, exercise and wellness. Panelists and speakers included Carol Sefren, chief of the Judges Compensation and Retirement Services Office, Administrative Office of the United States Courts; Richard Carlton, a professional counselor who staffs the Ninth Circuit's Private Assistance Line Service (PALS); attorney Tom O'Rourke who specializes in tax and estate planning; attorney Karen P. Schaeffer who specializes in financial planning; and the late Dr. Gene Cohen, director of the Center for Aging, Health and Humanities at George Washington University.

The seminar also featured a panel of judges discussing their experiences with taking senior status or retirement. Panelists included Senior Circuit Judge Jerome Farris of Seattle; Senior District Judge Consuelo B. Marshall (CAC); Recalled Magistrate Judge J. Kelley Arnold (WAW) who received a distinguished service award for his commitment to the Ninth Circuit's wellness initiative; Fern Smith, former Federal Judicial Center director and Northern California district judge; and John E. Ryan, a former Central District bankruptcy judge.

Courts Encouraged to Develop Policies for Electronic Devices

The Judicial Council of the Ninth Circuit has sought to assist appellate, trial and bankruptcy courts in dealing with the use of electronic devices and wireless communications within a courthouse by the bar, public, media and jurors.

In October, the Judicial Council approved the distribution of a paper entitled "Principles and Practices for Electronic Devices," which discussed issues to be considered in developing a court policy for electronic devices. The document was developed by a special subcommittee appointed by Chief Judge Alex Kozinski, who selected representatives from three standing circuit committees: Information Technology, Jury Trial Improvement, and Public Information and Community Outreach.

In addition to input from the committees, the council sought feedback from its advisory groups, which include the Conferences of Chief District Judges and Chief Bankruptcy Judges, and the Magistrate Judges Executive Board. The paper also was shared with members of the bar, including the Media Law Resource Center, journalists and others.

In developing the paper the subcommittee:

- Recognized the inherent authority of a judge presiding over a proceeding to control activities in his or her courtroom, including the use of electronic devices capable of wireless communications.
- Concluded that a broad ban on electronic devices is not desirable and may not be feasible given the expanding wireless communications infrastructure and the extent to which the public now depends on this technology.
- Recommended that use of cell phones, "smart phones," laptop computers and other devices for telephonic and data communications be allowed in public areas of a courthouse, but be restricted to data communications only in courtrooms. Use of devices for photography or audio and video recording would be prohibited in all locations.
- Acknowledged the potential for misuse of the technology and offered additional recommendations for safeguards pertaining to use by jurors.
- Advised that every effort be made to inform the general public and jurors about where and how electronic devices may be used in the courthouse, including notices posted in the courthouse and on the court's website.

The committee noted that reporters, bloggers and other observers seated in the courtroom may use these devices to prepare and post online news accounts and commentary during the proceedings.

The Ninth Circuit Court of Appeals and a number of district courts in the circuit are currently considering policies based on recommendations found in the paper.

IT Conference For Pretrial & Probation

The first National Conference on Information Technology in U.S. Pretrial Services and U.S. Probation was held January 26-29 in Los Angeles. Organized by the U.S. Pretrial Services and the U.S. Probation offices of the Central District of California, in partnership with the Federal Probation and Pretrial Officers Association and others, the conference drew more than 420 officers and court staff.

The event included informational presentations on IT updates, state-of-the-art practices and technology, innovative programs, and much more. Participants included probation and pretrial services chiefs, deputy chiefs, and IT managers. The conference also welcomed more than 60 professionals representing 30 corporate sponsors of the event.

"All too often, our knowledge of technology has been gathered in piecemeal fashion from conferences and meetings or gleaned from emails and websites. But this cutting-edge conference brought everything together, pairing interesting general sessions with labs, workshops, and focused seminars," said George M. Walker, chief pretrial services officer for the Central District.

A Microsoft Corp. executive set the stage for the conference by showing a video of how new technology is integrating computers, cell phones, touch technology, and much more into simple table top access. Another special guest presenter wowed the audience with research of how different generations utilize technology in different ways, and how the social media sites YouTube and Facebook are revolutionizing interpersonal communications.

Contributing to the success of the program was staff of the Administrative Office of the U.S. Courts, including the Office of Probation and Pretrial Services and its IT division.

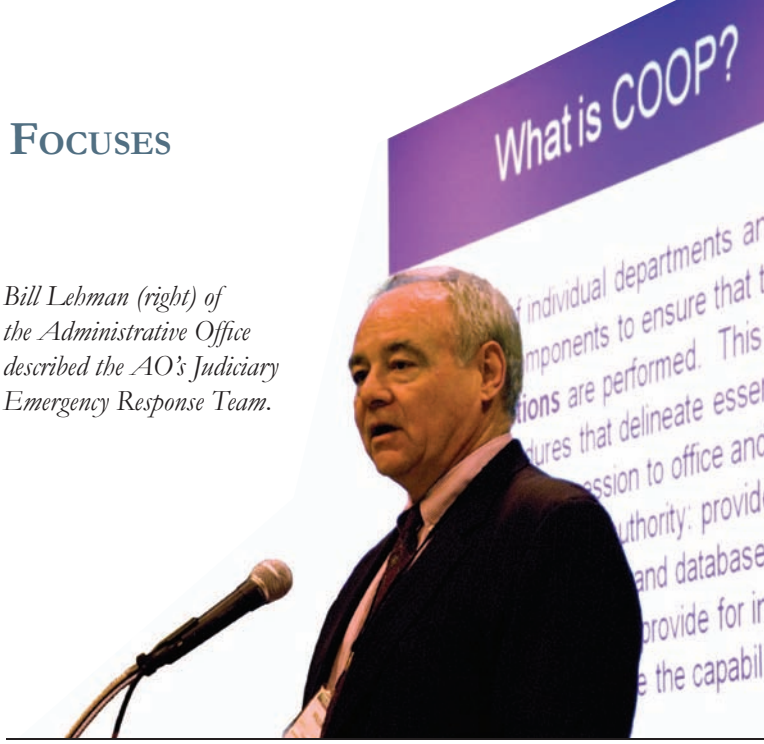
Ninth Circuit Welcomes New Law Clerks

The United States Court of Appeals for the Ninth Circuit held its annual law clerk orientation program September 23-24 at the James R. Browning U.S. Courthouse in San Francisco.

Some 150 incoming law clerks spent two days in meetings with judges and court staff, discussing a wide range of legal and operational matters. The program included sessions on immigration, *habeas corpus* law, the *en banc* process and procedures, sentencing and ethics. Highlights included remarks by U.S. Supreme Court Justice Anthony M. Kennedy, who was visiting the court and agreed to participate in an informal conversation moderated by Circuit Judge Richard R. Clifton of Honolulu.

Also participating in the program were Chief Judge Alex Kozinski and Circuit Judges Sidney R. Thomas, Stephen Reinhardt, Michael Daly Hawkins, M. Margaret McKeown, Circuit and Court of Appeals Executive Cathy A. Catterson and Clerk of Court Molly C. Dwyer. Law clerks are selected by each of the court's judges and generally serve for one year.

Ninth Circuit COOP Conference Focuses on Disaster Recovery



Bill Lehman (right) of the Administrative Office described the AO's Judiciary Emergency Response Team.

High water was on the minds of many at the 2009 Ninth Circuit Continuity of Operations Planning Conference held January 7-9 in San Francisco.

The event featured speakers from storm-ravaged courts in Florida, Iowa and Louisiana, and drew more than 120 participants, including chief district judges, district executives, IT department heads and other court unit managers. It was one of the two COOP programs organized by the Office of the Circuit Executive to keep judges and court staff thinking about how to carry on operations following a natural or man-made disaster. A second COOP conference took place March 11-13 in Honolulu.

Judging by Robert Phelps' experience, recovery will never be easy, but it can be easier if you have a COOP plan in place. Phelps is the district clerk in the Northern District of Iowa, which suffered a devastating flood in June. He said he watched with disbelief as the Cedar River overflowed its banks, swamping much of downtown Cedar Rapids, including the U.S. courthouse there.

The flood waters eventually reached mid-way up the first floor of the building, taking out the court's IT department and probation unit. The damage proved so extensive that the building was permanently abandoned.

Phelps said his court was very fortunate to have tested its COOP plan only the month before by relocating the entire operation to a divisional office in Waterloo. Even with that experience, it was tough to get over the disorientation that a swift and radical change in environment produces, he said.

"If you don't train, resuming normal operations is going to be near impossible," said Phelps.

Similar stories were told by other guest speakers. Marla Hamilton, bankruptcy clerk for the Eastern District of Louisiana, focused on communications and lessons learned by her court during Hurricanes Katrina and Gustav. Travis Green, chief deputy district clerk in the Northern District of Florida, addressed infrastructure issues and finding alternate facilities after Hurricane Ivan, while Steve Beasley, supervising probation officer in the Middle District of Florida, discussed how probation and pretrial services were carried out under COOP.

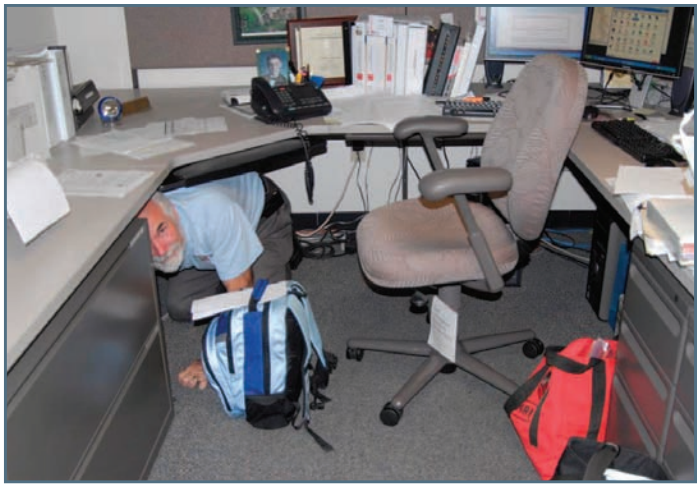
In addition to COOP implementation after disasters, the conference also addressed the anticipated effects of a pandemic flu, such as that posed by the avian flu virus emerging from Southeast Asia. Attendees participated in "table-top" exercises meant to simulate the impacts of a pandemic flu on the public and private sectors. Speakers included representatives from the San Francisco Department of Public Health.

The Administrative Office of the United States Courts was represented at the conference by Bill Lehman, chief of Judicial Emergency Preparedness, and Craig Jenkins, chief of the Management Division, both of whom stressed the need for COOP training and testing. Jim Buchanan, senior educational specialist from the Federal Judicial Center, also attended.

Ninth Circuit staff involved in organizing and presenting the program included Heather Henson, then COOP coordinator, and Don Vincent, assistant circuit executive for IT. District Clerk Bruce Rifkin of the Western District of Washington and Deputy Clerk Anita Bock of the Northern District of California were among the moderators.

The conference opened with remarks from Chief District Judge Vaughn R. Walker of the Northern District and closed with comments by Circuit and Court of Appeals Executive Cathy A. Catterson.

Central District Participates in Great Southern California Shakeout Drill



Some 500 judges and other court staff of the U.S. district court, bankruptcy court, and probation and pretrial services, for the Central District of California, including some circuit judges who maintain chambers in Los Angeles, participated in the Great California Shakeout Drill on October 15.

The "drop, cover, and hold" and shelter-in-place (SIP) exercises that took place were part of the Central District's long term continuity of operations and emergency planning process.

"The drills ensure that we identify any potential problems," said District Judge Dale S. Fischer, who serves on the district court's security committee. "It allows us to verify that everyone knows his or her responsibilities in case of an emergency," Judge Fischer added.

Seismology experts have predicted that a magnitude 7.8 earthquake will eventually hit Southern California, one of several types of disasters to which the area is prone.

Ninth Circuit Fuels Team Effort in Pacific Island Courts

Efforts to promote team management in courts of the Pacific Islands received a big boost in February when two former Ninth Circuit chief judges participated in a leadership training program in the Republic of Palau.

Senior Circuit Judge J. Clifford Wallace and Circuit Judge Mary M. Schroeder took part in the February 1-4 program, held in Palau's capital city, Koror. It was the first simultaneous visit to any Pacific Island jurisdiction by two former chief judges, who were welcomed enthusiastically by the local judiciary.

Palau, which became an independent nation in 1994, consists of a string of more than 340 islands roughly equidistant from the Philippines and Papua New Guinea. Only nine of the islands are inhabited and about two-thirds of the population resides in the capital city.

Left: Circuit Judge Mary M. Schroeder of Phoenix talks to group.

Judge Wallace, who led the Ninth Circuit from 1991 to 1996, championed educational and training opportunities for Pacific Island judges and court staff and helped secure funding from the U.S. Department of the Interior for those activities. He is a chairman emeritus of the Ninth Circuit's Pacific Islands Committee, which organized the various programs.

Judge Schroeder, chief judge from 2000 to 2007, began her term on the Pacific Islands Committee in December 2007.

The Palau event was organized in cooperation with the Pacific Judicial Council, an unincorporated non-profit association of the supreme and superior courts of Palau, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia and the U.S. Territory of Guam. The U.S. District Court in Guam is an active member of the council. The council was formed to provide a collaborative and educational forum for sharing ideas, information, and resources to improve the administration of the courts and the delivery of justice in the Pacific region.

The training program was designed to promote a team approach to management between the chief judge and court manager. Members of the PIC committee held a roundtable report of recent judicial developments as well as joint leadership training with the chief justices, presiding judges and their chief administrators.

Judge Wallace discussed the role of the chief justice in a partnership with the chief judicial administrator, giving examples from his own experience in the Ninth Circuit. Each team was asked to consider a number of issues designed to strengthen the chief judge-court administrator relationship. Among the many ideas discussed was that of balancing chief justice accountability with effective delegation to staff.

Judge Wallace and Judge Schroeder praised the progress being made by the Pacific Island judiciaries, particularly their willingness to share ideas and experiences.

At the invitation of Palau Supreme Court Chief Justice Arthur Ngiraklsong, Judge Schroeder also spoke to the local bar, remarking upon the role of the federal courts in the internment of Japanese-American citizens during World War II. The practice was upheld by the Ninth Circuit and U.S. Supreme Court in *Hirabayashi v. U.S*. The Ninth Circuit subsequently vacated its ruling in 1987 in an opinion written by Judge Schroeder.

International Visitors Include Contingent of Thai Judges

The United States Court of Appeals for the Ninth Circuit frequently welcomes international visitors, including judges from other countries seeking information about the American legal system. In 2009, a group of 35 judges from Thailand visited the James R. Browning U.S. Courthouse in San Francisco as part of a two-week course, focusing on consumer protection issues.

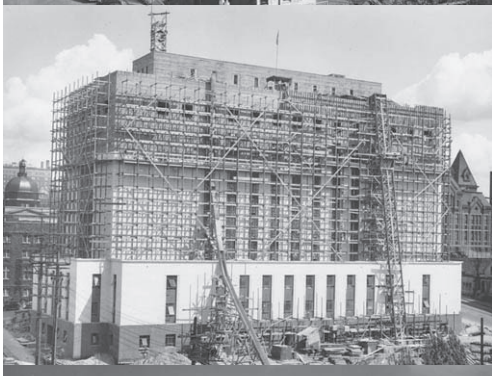
The Thai judiciary is attempting to fully implement Thailand's Consumer Protection Act and Product Liability Act passed in 2008. The course was organized by the University of California, Berkeley School of Law, following a request received by Berkeley Law from Thailand's Ministry of Justice seeking information on U.S. consumer protection and product liability laws.

Thai judges who visited the court include Presiding Justice Rangron Pariponpochanapisuti of the Court of Appeal in Bangkok and Research Judge Thanarat Thangthong of the Office of the Chief Judge of Region Four in Khon Khen. Several of the judges previously met Senior Circuit Judge J. Clifford Wallace in his visits to Thailand as part of his participation in international initiatives to improve the administration of justice in other countries.

The visiting judges also met with Circuit Judges Stephen Trott, M. Margaret McKeown and Sandra S. Ikuta, and listened to oral arguments conducted at the Browning Courthouse. They also attended a presentation by Chief Circuit Mediator Claudia L. Bernard regarding appellate mediation and a presentation by Supervising Case Management Attorney Paul Keller on Ninth Circuit innovations in case management.

Pictured above are Circuit Judges Stephen Trott and M. Margaret McKeown. Pictured below are Circuit Judges Trott, McKeown and Sandra S. Ikuta with the Thai judges.

Space & Security



Ninth Circuit, General Services Administration Rededicate Seattle Courthouse

Federal judges gathered June 22 in Seattle for the rededication of the William Kenzo Nakamura United States Courthouse for use by the U.S. Court of Appeals for the Ninth Circuit.

The rededication ceremony marked the successful completion of a three-year project to renovate and modernize the historic structure, which opened in 1940 and was the first building in the West designed specifically for use as a federal courthouse. The courthouse was listed on the National Register of Historic Places in 1980 for its national and local significance.

The ceremony, held in the courthouse's new *en banc* courtroom, also drew elected officials, community leaders, members of the bar, and representatives of the U.S. General Services Administration, which oversaw the renovation project.

Speakers included Ninth Circuit Chief Judge Alex Kozinski of Pasadena; Circuit Judge Richard C. Tallman and Senior Circuit Judge Betty Binns Fletcher, who have their chambers in the courthouse; and U.S. Rep. Jim McDermott of Seattle and local resident Steve Finley, who were instrumental in having the building named for a Japanese-American war hero. U.S. Senators Patty Murray and Maria Cantwell sent representatives with messages of congratulations to the court and community.

Robin G. Graf, acting regional administrator for the GSA's Northwest/Arctic Region, served as master of ceremonies. Members of the Seattle Nisei Veterans Committee were present to post the colors and lead the assembly in the recitation of the Pledge of Allegiance.

The courthouse was rededicated in 2001 in the name of Private First Class William Kenzo Nakamura, a Seattleite who was awarded the Medal of Honor for heroism in World War II. One of the thousands of Americans of Japanese ancestry forced into government internment camps in 1942, Mr. Nakamura, nonetheless, enlisted in the Army. He was assigned to the all Japanese-American 442nd Regimental Combat Team and fought in Italy. On July 4, 1944, after single handedly eliminating an enemy machine gun position

Pictured above on the opposite page is the Nakamura U.S. Courthouse and below from left are Congressman Jim McDermott, Circuit Judge Richard C. Tallman, and Rob Graf, GSA acting regional administrator for Region 10. Pictured above left on this page is Courtroom II located on the 7th floor. The artwork to the right and below, "The Effects of Good and Bad Government" by Caleb Ives Bach, illustrates the influence of ruling bodies on the public.

and volunteering to remain behind while his platoon evacuated from a ridge, he was killed by an enemy sniper.

Mr. Nakamura was posthumously awarded the Distinguished Service Cross, the country's second highest military award. In 2000, President Clinton upgraded the award to a Medal of Honor, our country's highest military honor.

The Nakamura Courthouse had been occupied primarily by the U.S. District Court for the Western District of Washington, which relocated in 2004 to a new facility in the downtown area. The Ninth Circuit Court of Appeals has had space in the courthouse since the early 1970s and is now the principal tenant. The court meets monthly in Seattle, considering approximately 350 appeals per year, mostly from Washington, Idaho and Montana with additional filings from Alaska and Oregon. The clerk of the court and the circuit mediator have offices here.

The GSA renovation and modernization project included security enhancements and restoration of the courtrooms and other interior spaces. All historic items such as furniture, paneling, fixtures and doors were inventoried, carefully removed and stored while the construction was underway. As needed, historic pieces were repaired and restored before being returned to the courthouse.

In addition to modernization of electrical and mechanical systems, seismic upgrades have greatly enhanced the building's ability to withstand a major earthquake.

Renovation of the Nakamura Courthouse was expected to receive Leadership in Energy and Environmental Design (LEED) certification, under the auspices of the U.S. Green Building Council. This certification results from the design and specification of energy efficient building systems, the reuse and recycling of existing building materials, selection of new materials with low environmental impact and many other measures influencing the overall site and building design.

The M. A. Mortenson Construction Company acted as construction manager and constructor for the project, and Weinstein Architects and Urban Designers LLC supplied architectural services.

Judge McNamee Honored for Space & Security Committee Service

Senior District Judge Stephen M. McNamee of the U.S. District Court for the District of Arizona was honored for his eight years of service as a member of the Ninth Circuit's Space and Security Committee. Judge McNamee chaired the committee from 2006 to 2009. Jeffrey E. Neely, acting regional administrator of the General Services Administration, Pacific Rim Region, presented Judge McNamee with a framed certificate and photograph collection of courthouse projects completed during Judge McNamee's tenure on the committee.

Courthouses in Design Phase

Bakersfield Courthouse

Gross Square Footage: 35,000
Architects: NBBJ (San Francisco)
Completion Date: 2012

Billings Courthouse

Gross Square Footage: 146,742
Architects:
Design/Build ARRA, project run with Mortenson Construction & NBBJ (Seattle)
Completion Date: 2012

Prince Jonah Kūhiō Kalaniana'ole Federal Building and U.S. Courthouse

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

Courthouse Under Construction

San Diego United States Courthouse

Gross Square Footage: 466,886
Architects: Richard Meier & Partners
Completion Date: 2013

The Work of The Courts

Court of Appeals Makes Headway with Hard Work, Dip in Filings

Reflecting both diligent work by its judges and staff and a continuing decline in some types of filings, the United States Court of Appeals for the Ninth Circuit closed more appeals than it received in 2009, reducing its pending caseload in the process.

The court continued to face the challenges posed by *pro se* appeals in which at least one party is not represented by legal counsel. These cases, which generally require additional time and effort by court staff due to the unrepresented litigant's unfamiliarity with the law, have grown steadily in recent years and now comprise nearly half of the court's caseload.

For the year, the Ninth Circuit Court of Appeals reported 12,223 new appeals, down 8.1 percent from 2008. It remained the nation's busiest appellate court with 21.4 percent of all new appeals nationally. Appellate filings nationwide were down 7.1 percent and by as much as 17.5 percent among the individual circuits.

1 Appellate Caseload Profile 2008 and 2009

Caseload Measure	2008 Total	2009 Total	Change 2008-2009
Filings	13,299	12,223	-8.1%
Terminations	12,586	12,916	2.6%
*Pending Cases	17,057	16,364	-4.1%

*Total pending cases for 2008 revised.

The court terminated 12,916 cases in 2009, up 2.6 percent from 2008. The court's pending caseload stood at 16,364 cases at year end, down 4.1 percent from the prior year.

The downturn in new filings in the Ninth Circuit and elsewhere was due largely to fewer appeals of decisions rendered by the U.S. Department of Justice's Board of Immigration Appeals, which reviews actions taken by the nation's immigration judges. Immigration appeals have been declining steadily since 2005, which represented the highpoint of a wave of new filings resulting from expedited BIA reviews ordered by the justice department following the 9/11 attacks of 2001. In the Ninth Circuit, BIA appeals numbered 3,280 in 2009, down almost 25 percent from the year before.

Breakdown of New Appeals

District courts generated 7,772 appeals, or 63.6 percent, of the 2009 new filings. Agency appeals, which include BIA cases, numbered 3,458, or 28.3 percent. Original proceedings, 847 cases, and bankruptcy, 146 cases, rounded out the filing categories.

The Central District of California, the largest and busiest court in the circuit, generated the greatest number of appeals among the district courts. In 2009, the Central District produced 2,129 appeals, or 27.4 percent of the total district court filings. The Central District filings were up by 20 cases from the prior year.

Ten other district courts in the circuit also generated more appeals in 2009, led by the Eastern District of California, 1,143 appeals, up 9.6 percent; the Northern District of California, 857 filings, up 6 percent; the Southern District of California, 584 filings, up 8.8 percent; the Western District of Washington, 501 filings, up 14.9 percent; and the District of Oregon, 430 filings, up 10.8 percent.

Generating fewer appeals were the District of Arizona, 729 filings, down 5.6 percent; the District of Hawaii, 117 filings, down 32.4 percent; the District of Montana, 252 filings, down 16 percent; and the District of Alaska, 103 filings, down 15.6 percent.

Of the appeals originating in the district courts, 6,102, or 78.5 percent, were civil in nature. Prisoner petitions, including those brought against the federal government, number 3,325, or 42.8 percent of the total district court filings. Other private civil filings numbered 2,126, or 17.4 percent of new filings.

Criminal filings numbered 1,670, or 13.7 percent of the total, up slightly from 1,655 filings the prior year. The circuit had 12.5 percent of criminal appeals filed nationally. The most numerous criminal appeals involved drug offenses, 461 filings; criminal immigration offenses, 432 filings; property offenses, 240 filings; fraud, 197 filings; firearms and explosives offenses, 162 filings; and sex offenses, 157 filings. Violent offenses numbered 90, down 13.5 percent from 2008.

2 Filings, Terminations and Pending Cases by Appeal Type 2008 and 2009

Type of Appeal	2008 Filings	2009 Filings	Change 2008-09	% of Circuit Total	2008 Terminations	2009 Terminations	Change 2008-09	2008 Pending	2009 Pending	Change 2008-09
Civil										
U.S. Prisoner Petitions	528	521	-1.3%	4.3%	434	450	3.7%	319	536	68.0%
Private Prisoner Petitions	2,761	2,804	1.6%	22.9%	1,941	2,166	11.6%	2,079	3,413	64.2%
Other U.S. Civil	608	651	7.1%	5.3%	689	668	-3.0%	860	747	-13.1%
Other Private Civil	2,010	2,126	5.8%	17.4%	2,158	2,220	2.9%	2,720	2,353	-13.5%
Criminal	1,655	1,670	0.9%	13.7%	1,737	1,733	-0.2%	2,116	1,841	-13.0%
Other										
Bankruptcy	165	146	-11.5%	1.2%	178	195	9.6%	245	185	-24.5%
Administrative Appeals	4,611	3,458	-25.0%	28.3%	4,531	4,615	1.9%	7,992	7,084	-11.4%
*Original Proceedings	961	847	-11.9%	6.9%	918	869	-5.3%	230	205	-10.9%
Circuit Total	13,299	12,223	-8.1%		12,586	12,916	2.6%	16,561	16,364	-1.2%
National Appellate Total	61,492	57,138	-7.1%		59,283	61,024	2.9%	51,240	48,686	-5.0%
Ninth Circuit as % of National Total	21.6%	21.4%	0.2%		21.2%	21.2%	0.1%	32.3%	33.6%	1.3%

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

3 Median Time Intervals in Cases Terminated After Hearing or Submission 2008 and 2009

Number of Months

	Ninth Circuit		National	
By Stage of Appeal	2008	2009	2008	2009
From Filing of Notice of Appeal to Filing Last Brief	6.5	6.4	5.8	5.7
From Filing of Last Brief to Hearing or Submission	11.0	13.0	4.8	4.5
From Hearing to Final Disposition	1.3	1.3	2.1	2.1
From Submission to Final Disposition	0.3	0.5	0.7	0.7
From Filing of Notice of Appeal to Final Disposition	19.0	17.4	12.7	12
From Filing in Lower Court to Final Disposition in Appellate Court	38.4	36.9	30.3	31.7

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

Terminations and Pending Cases

Of the 12,916 appeals closed in 2009, 5,679 were terminated on the merits, while 6,727 were terminated on procedural grounds. Another 510 cases were closed by consolidation. Of those cases terminated on the merits, 1,912 were decided after oral arguments and 3,767 after submission on the briefs. The majority of cases were terminated by the court on the basis of unpublished opinions.

Of the appeals terminated on the merits, the largest categories were administrative appeals, 2,050; criminal appeals, 1,190; and private civil, 1,115. The reversal rates in these categories were 10.5 percent for administrative appeals, 6.6 percent for criminal, and 16.1 percent for private civil.

Most prisoner petitions were terminated on procedural grounds. In 2009, 78 petitions involving the U.S. government and 662 private petitions were decided on the merits. The reversal rates were 12.8 percent for the U.S. cases and 8.3 percent for the private cases.

En banc courts, used to resolve intra-circuit conflicts or other legal questions of exceptional importance, heard 18 cases in 2009. *En banc* decisions reached by the court in 2009 numbered 12, 11 of those following oral argument and one after submission on the briefs.

Of the 16,364 cases pending at year end, about 52.8 percent had been pending for less than a year and 47.2 percent for more than a year.

Median Time Intervals

Median time intervals, which measure how long it takes for cases decided on the merits to proceed through the appellate process, improved for the Ninth Circuit. The median time interval from filing of a notice of appeal to final disposition of a case was 17.4 months in 2009, down from 19 months in 2008. The median time interval from the filing of a case in a lower court to final disposition by the Ninth Circuit also improved to 36.9 months from 38.4 months the year before.

Once an appeal was fully briefed, Ninth Circuit judges decided cases fairly quickly. In 2009, the median time interval for final disposition was 1.3 months for a case in which oral arguments were heard, and .5 months for a case submitted on briefs, virtually unchanged from the prior year.

The national median time interval from notice of appeal to final disposition by a circuit court of appeals was 12 months in 2009 compared to 12.7 months the prior year. But the national median time interval from the filing of a case in a lower court to final disposition by a circuit court increased to 31.7 months, up from 30.3 months in 2008.

4 Source of Appeals and Original Proceedings Commenced, 2009

District	Appeals Total	% of Total
Alaska	103	0.8%
Arizona	729	6.0%
C. Calif.	2,129	17.4%
E. Calif.	1,143	9.4%
N. Calif.	857	7.0%
S. Calif.	584	4.8%
Hawaii	117	1.0%
Idaho	133	1.1%
Montana	252	2.1%
Nevada	557	4.6%
Oregon	430	3.5%
E. Wash.	195	1.6%
W. Wash.	501	4.1%
Guam	27	0.2%
Northern Mariana Islands	15	0.1%
Bankruptcy	146	1.2%
Administrative Agencies, Total	3,458	28.3%
IRS	49	0.4%
National Labor Relations Board	10	0.1%
BIA	3,280	26.8%
Other Administrative Agencies	119	1.0%
Original Proceedings	847	14.0%
Circuit Total	12,223	

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

Ninth Circuit Court of Appeals Judges

Ninth Circuit Court of Appeals Judges in Order of Seniority and Chambers Location

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

**Deceased October 30, 2009*

5 Ninth Circuit Court of Appeals *En banc* Ballots 1996-2009

Year	Petitions Filed for Rehearing *En banc*	*En banc* Ballots Sent	Grants of Rehearing *En banc* Following A Vote	Denials of Rehearing *En banc* Following A Vote
2009	1,021	43	18	25
2008	1,254	32	16	16
2007	1,097	42	19	23
2006	932	44	25	19
2005	853	38	21	17
2004	852	47	22	25
2003	972	40	13	27
2002	1,039	35	17	17
2001	797	42	19	23
2000	1,006	48	22	23
1999	1,061	40	21	19
1998	1,456	45	16	29
1997	1,398	39	19	23
1996	1,038	25	12	13

Pro se Filings and Terminations

The court received 5,931 *pro se* appeals in 2009, down 6 percent from 2008. *Pro se* filings accounted for 48.5 percent of all new appeals. Prisoner petitions, 2,744, and agency appeals, 1,321, accounted for 68.5 percent of new *pro se* filings.

The court terminated 6,097 *pro se* appeals in 2009. Of that number, 4,265, or 70 percent, were closed on procedural grounds, while 1,783 were terminated on the merits after either oral argument or submission on the briefs.

Contributions by Active, Senior and Visiting Judges

The court ended the year with 27 active circuit judges and 20 senior circuit judges (one senior circuit judge died over the course of the year). In 2009, active circuit judges participated in 65.2 of the cases terminated on the merits, up .80 percent from the prior year. Senior circuit judges participated in 29.4 percent, while visiting judges helped decide 5.3 percent.

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

Workload Rises in Federal Trial Courts of the Circuit

Federal trial courts of the Ninth Circuit saw significant increases in both criminal and civil case filings in 2009. District courts in the circuit reported a combined 62,221 filings, up 12.4 percent from the previous year. The Ninth Circuit had 17.5 percent of all district court filings nationally, which rose a more modest 5.4 percent for the year.

Criminal Filings, Terminations and Pending Cases

Criminal filings in district courts of the circuit numbered 17,932 in 2009, up 16.9 percent from the prior year. Criminal filings represented 28.8 percent of the circuit's total district court filings.

Immigration offenses remained the largest category of criminal filings, numbering 7,776, up 12.1 percent and constituting 38.7 percent of the total criminal filings in the circuit. Operation Streamline, the Department of Homeland Security program requiring criminal prosecution of illegal immigrants, continues to contribute to the growing immigration caseload. Criminal filings for improper reentry by alien were up 41.5 percent to 6,259 filings.

Drug offenses increased significantly with 4,014 filings, up 37 percent from the prior year and representing 22.4 percent of the total new cases in 2009. Among drug offenses crimes involving marijuana jumped 87.1 percent to 2,153 cases, while all other drug offenses numbered 1,861 cases, up 4.7 percent;

Increases were reported in nine of 19 categories of criminal filings (see Table 7). Large percentage increases were seen in fraud, up 52.3 percent to 2,322 filings; and regulatory offenses, up 28.7 percent with 238 filings. Other categories showing increases were justice system offenses, up

6 U.S. District Courts - Total Criminal and Civil Cases Filed, Terminated, and Pending, 2009

	2008 Total	2009 Total	Change 2008-2009
Civil Filings	40,032	44,289	10.6%
Criminal Filings	15,345	17,932	16.9%
Total Filings	55,377	62,221	12.4%
Civil Terminations	40,580	43,178	6.4%
Criminal Terminations	15,497	18,576	19.9%
Total Terminations	56,077	61,754	10.1%
*Pending Civil Cases	39,745	40,856	2.8%
*Pending Criminal Cases	14,664	14,020	-4.4%
***Total Pending Cases**	54,409	54,876	0.9%
Civil Case Termination Index (in months)	11.8	11.4	-3.4%
*Criminal Case Termination Index (in months)	11.4	9.1	-20.2%
*Overall Case Termination Index	11.6	10.7	-7.8%
Median Months (from filing to disposition) Civil Cases	7.9	7.2	-8.9%
Median Months (from filing to disposition) Criminal Defendants	6.0	5.3	-11.7%
Median Months National Total (from filing to disposition) Civil Cases	8.1	8.4	3.7%
Median Months National Total (from filing to disposition) Criminal Defendants	6.7	6.4	-4.5%

Notes: Pending totals exclude each case in which the defendant has been a fugitive since before Oct. 1, 2008. However, no case with multiple defendants has been excluded unless all defendants in the case have been fugitives since before Oct. 1, 2008. This table includes all felony and Class A misdemeanor cases, but includes only those petty offense cases that have been assigned to district judges. Median time intervals computed only for 10 or more cases and only for 10 or more defendants. 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. Median time interval computed from the date case was filed to the date the defendant was either found not guilty or was sentenced.

*Revised

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

7 Ninth Circuit District Courts - Types of Criminal Cases Commenced, by Major Offense and District (Excluding Transfers), 2009

	AK	AZ	C. Calif.	E. Calif.	N. Calif.	S. Calif.	HI	ID	MT	NV	OR	E. Wash.	W. Wash.	GU	NMI	2008 Total	2009 Total	Change 2008- 09
Violent Offenses																		
Homicide	0	29	0	0	0	4	0	2	5	0	2	2	0	0	0	50	44	-12.0%
Robbery	4	15	27	8	22	12	15	1	4	24	53	1	14	1	0	178	201	12.9%
Assault	1	95	24	11	8	23	11	6	20	4	9	1	12	0	0	199	225	13.1%
Other	0	13	5	1	1	5	1	1	7	5	0	7	4	0	1	62	51	-17.7%
Property Offenses																		
Burglary, Larceny & Theft	5	56	46	35	29	16	18	3	12	19	17	2	128	15	0	450	401	-10.9%
Embezzlement	1	9	10	5	4	12	1	1	8	6	5	1	10	0	1	98	74	-24.5%
Fraud	22	1,143	298	99	168	252	27	26	27	80	60	29	74	12	5	1,525	2,322	52.3%
Forgery & Counterfeiting	0	5	39	6	8	3	2	5	4	6	2	8	2	0	2	110	92	-16.4%
Other	0	0	0	2	4	2	0	2	1	1	2	0	18	0	0	37	32	-13.5%
Drug Offenses																		
Marijuana	3	1,114	10	62	19	838	4	0	5	1	34	12	49	0	2	1,151	2,153	87.1%
All Other Drugs	53	228	201	132	159	577	62	45	68	68	71	49	132	8	8	1,778	1,861	4.7%
Firearms and Explosives Offenses	22	129	81	48	108	57	8	38	57	80	84	52	73	3	3	922	843	-8.6%
Sex Offenses	10	85	74	58	19	41	9	16	78	27	38	14	42	2	0	539	513	-4.8%
Justice System Offenses	0	57	16	7	29	38	5	3	3	5	3	4	11	2	0	152	183	20.4%
Immigration Offenses																		
Improper Alien Reentry	7	2,661	494	422	340	1,762	1	86	24	200	43	157	58	4	0	4,424	6,259	41.5%
Other	1	220	18	1	4	967	0	1	0	6	220	0	77	2	0	2,511	1,517	-39.6%
General Offenses	2	14	29	25	15	10	33	1	13	18	12	2	64	0	0	229	238	3.9%
Regulatory Offenses	26	53	56	40	42	36	4	8	10	10	24	9	20	2	1	265	341	28.7%
Traffic Offenses	2	2	8	11	55	2	193	0	3	0	0	1	200	13	0	571	490	-14.2%
All Offenses Total	159	5,928	1,436	973	1,034	4,657	394	245	349	560	679	351	988	64	23	15,251	17,840	17.0%

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

20.4 percent with 183 filings; assault, 225 cases, up 13.1 percent; robbery, 201 cases, up 12.9 percent; and general offenses, 238 cases, up 3.9 percent.

Eight out of 15 district courts in the circuit reported increases in criminal filings in 2009. The District of Arizona had the largest numerical increase with 5,935 cases reported, up 83.7 percent from 3,231 cases the prior year. Following were the Southern District of California with 4,664 cases, up 2.4 percent; the Northern District of California with 1,045 cases, up 32.8 percent; the Eastern District of California with 977 cases, up 3.9 percent; the Western District of Washington with 995 cases, up 4.7 percent; the District of Oregon with 692 cases, up 3 percent; the District of Nevada with 566 cases, up 39.4 percent; and the District of Northern Mariana Islands with 23 cases, up 15 percent.

Criminal case filings decreased in the District of Hawaii, 396 cases, down 28.6 percent; the Central District of California, 1,458 cases, down 23 percent; the District of Guam, 65 cases, down 19.8 percent; the District of Idaho, 246 cases, down 19.1 percent; the District of Montana, 349 cases, down 11 percent; the Eastern District of Washington, 355 cases, down 9.2 percent; and the District of Alaska, 166 cases, down 1.8 percent.

The district courts of the Ninth Circuit terminated 18,576 cases in 2009, up 19.9 percent the prior year. The number of pending criminal cases reported at the end of the year was 14,020, down 4.4 percent from 2008.

Civil Filings, Terminations and Pending Cases

New civil filings in the Ninth Circuit district courts numbered 44,289 in 2009, an increase of 10.6 from the prior year. The circuit accounted for 15.9 percent of the 278,884 civil filings in the district courts nationally in 2009. Civil filings increased nationally by 5.2 percent over the prior year.

Private civil cases numbered 36,518 and accounted for 82.5 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 17.5 percent of the new filings. Prisoner petitions totaled 10,193 or 27.9 percent of all new private civil cases, down slightly from 2008.

Other major categories of new private civil filings were civil rights, 5,050 cases or 13.8 percent; contracts, 4,503 cases or 12.3 percent; labor suits, 2,480 cases or 6.8 percent; real property, 2,473 cases or 6.8 percent; and copyright, patent and trademark cases, 2,360 cases or 6.5 percent.

Among civil filings in which the government was a party, the most numerous were Social Security which accounted for 37 percent; prisoner petitions, 7.1 percent; and contracts, 7 percent.

Among the 15 districts in the circuit, 13 reported increased civil filings in 2009. The Central District of California had the largest numerical increase with 13,703 cases, up 9.2 percent from the prior year. Following were the Northern District of California, 6,296 cases, up 6.6 percent; the Eastern District of California with 5,789 cases, up 16.4 percent; the District of Arizona, 3,677 cases, up 11.5 percent; the District of Nevada, 3,362 cases, up 26.5 percent; the Southern District of California, 3,294 cases, up 18.7 percent; the Western District of Washington, 2,818 cases, up .7 percent; the District of Oregon, 2,240 cases, up 2.1 percent; the District of Idaho, 717 cases, up 27.4 percent; the Eastern District of Washington, 695 cases, up 4 percent; the District of Hawaii, 628 cases, up 4 percent; the District of Montana, 627 cases, up 5.6 percent; and the District of Guam, 31 cases, up 47.6 percent.

The districts of Alaska and Northern Mariana Islands reported decreases in new civil filings in 2009.

Civil case terminations in the Ninth Circuit numbered 43,178, up 6.4 percent from 40,580 in 2008. The number of pending civil cases increased to 40,856 or 2.8 percent from 39,745 the prior year.

Case Processing Times

Case processing times in the district courts of the Ninth Circuit improved in 2009. The Case Termination Index, which computes how long it would take to clear the pending caseload if the current termination rate remained constant, was 10.7 months in 2009, down from 11.6 in 2008.

The median time from filing to disposition for civil cases in the Ninth Circuit was 7.2 months, slightly shorter than the 7.9 months reported in 2008. The national median time for civil cases slightly increased to 8.4 months in 2009 compared with 8.1 months in 2008.

For criminal cases, the median time from filing to disposition in the Ninth Circuit was 5.3 months, compared to 6 months the year before. The national median time was 6.4 months, down from 6.7 months in 2008.

8 Ninth Circuit District Courts
Weighted and Unweighted Filings Per Authorized Judgeship, 2009

		Unweighted Filings Per Judgeship				Weighted Filings Per Judgeship					
District	Authorized Judgeships	Civil	Criminal	Supervised Release Hearings	2009 Total	Civil	Criminal	Supervised Release Hearings	2009 Total	2008 Total	Change 2008-2009
Alaska	3	117	64	1.33	193	137	56	0.21	193	205	-5.9%
Arizona	13	272	529	123.77	641	296	328	17.42	641	474	35.2%
C. Calif.	28	472	82	44.04	619	543	70	6.19	619	586	5.6%
E. Calif.	6	936	216	49.33	1,089	924	157	6.93	1,089	1,004	8.5%
N. Calif.	14	432	89	48.79	623	549	67	6.88	623	579	7.6%
S. Calif.	13	226	407	110.62	540	267	258	15.57	540	477	13.2%
Hawaii	4	154	113	49.50	256	188	61	7.15	256	288	-11.1%
Idaho	2	344	166	45.00	557	405	145	6.70	557	493	13.0%
Montana	3	202	141	40.00	357	214	137	6.00	357	373	-4.3%
Nevada	7	457	96	42.29	573	488	79	6.39	573	493	16.2%
Oregon	6	359	135	46.50	495	381	107	6.56	495	497	-0.4%
E. Wash.	4	156	119	123.00	272	155	99	17.38	272	277	-1.8%
W. Wash.	7	374	181	36.00	559	432	122	5.20	559	569	-1.8%
Circuit Total	110	4,501	2,338	760.17	6,774	4,979	1,686	108.58	6,774	6,315	7.3%
Circuit Mean	***	346	180	58.47	521	383	130	8.35	521	486	7.3%
Circuit Median	***	344	135	46.5	557	381	107	6.70	557	493	13.0%
National Mean	***	321	138	33.17	493	354	109	4.84	468	468	0.0%

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

A Record-Breaking Year for Bankruptcy Courts in the Ninth Circuit

Bankruptcy courts in the Ninth Circuit experienced a 56.6 percent rise in filings in 2009 with a total of 339,005 new cases reported. Bankruptcy courts in 14 of the 15 judicial districts of the circuit saw filings jump with the biggest increases reported in Arizona, Central California and Nevada. The continuing rise in unemployment throughout western states is thought to have been a key factor in driving the upturn of filings throughout the circuit.

The District of Arizona had the largest increase in filings, percentage-wise. Filings in 2009 totaled 34,637 cases, up 77.3 percent from 2008. Chapter 7 filings increased, up 82.8 percent with 28,391 cases reported, while Chapter 13 filings rose 56.9 percent with 5,627 cases reported. The state's unemployment rate more than doubled in two years, rising from 4.5 percent in January 2008 to 9.2 percent in December 2009.

In the Central District of California, filings reached 108,647, up 65 percent from 65,858 cases the previous year. The district led the nation in Chapter 7 filings with 83,656, more than the total bankruptcy filings reported in the entire First, Second, Third and Tenth circuits. Its Chapter 13 filings jumped 52.8 percent with 23,853 new cases reported. The unemployment rate in California stood at a record 12.3 percent in December 2009, surpassing the 11.7 rate recorded in January 1983 during an earlier recession.

Bankruptcy filings in the Eastern District of California numbered 47,418, up 47.5 percent from the prior year with 31,154 cases. Its Chapter 7 filings totaled 39,169 or 82.6 percent of the total, while Chapter 13 filings totaled 7,997 or 17 percent.

In Nevada, where unemployment peaked at 13 percent in December 2009, the bankruptcy court reported 29,808 cases, up 59.3 percent from 2008. The District of Nevada reported 21,519 Chapter 7 filings, an increase of 65 percent from the prior year. Chapter 13 filings rose 42.9 percent with 7,844 new cases reported.

9 Business and Non-Business Bankruptcy Cases Commenced, by Chapter of the U.S. Bankruptcy Code, 2009

Caseload Measure	2008	2009	Change 2008-2009
Filings			
Business Chapter 7	6,945	10,301	48.3%
Business Chapter 11	1,819	2,692	48.0%
Business Chapter 12	41	97	136.6%
Business Chapter 13	774	993	28.3%
Non-Business Chapter 7	157,037	253,042	61.1%
Non-Business Chapter 11	315	650	106.3%
Non-Business Chapter 13	49,570	71,203	43.6%
***Circuit Total**	216,517	339,005	56.6%
Terminations	162,761	261,600	60.7%
****Pending Cases**	197,484	274,896	39.2%

(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 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 2008
Central Calif. (Chapter 15 = 3); Eastern Calif. (Chapter 9 = 1); Nevada (Chapter 15 = 2); Western Wash. (Chapter 9 = 1 and Chapter 15 = 9)
Calendar Year 2009
Central Calif. (Chapter 15 = 3); Eastern Calif. (Chapter 9 = 1); Southern Calif. (Chapter 15 = 3); Hawaii (Chapter 15 = 1); Western Wash. (Chapter 15 = 19)
**2008 pending cases revised

Bankruptcy filings in the Northern District of California also surged with 33,025 filings received, up 55.8 percent from the prior year. Chapter 7 filings totaled 22,231 or 67.3 percent of the total filings. Chapter 13 filings numbered 10,407, up 53.2 percent from 2008.

The District of Hawaii reported a total of 3,123 bankruptcy filings for 2009, an increase of 49.6 percent from the previous year with 2,087 cases. Chapter 7 filings rose 53.8 percent, while Chapter 13 filings also increased 37.6 percent with 600 total cases.

The Southern District of California reported 20,728 filings, up 47.9 percent, the highest annual filings since 1997. Chapter 7

10 Ninth Circuit Bankruptcy Courts Total Filings, 2009

District	2008 Total	2009 Total	Change 2008-2009
Alaska	891	998	12.0%
Arizona	19,532	34,637	77.3%
*C. Calif.	65,858	108,647	65.0%
E. Calif.	32,154	47,418	47.5%
*N. Calif.	21,201	33,025	55.8%
S. Calif.	14,017	20,728	47.9%
Hawaii	2,087	3,123	49.6%
Idaho	5,300	7,704	45.4%
Montana	1,968	2,771	40.8%
Nevada	18,716	29,808	59.3%
Oregon	12,802	18,380	43.6%
E. Wash.	5,583	7,320	31.1%
W. Wash.	16,252	24,217	49.0%
Guam	151	221	46.4%
N. Mariana Is.	12	8	-33.3%
Circuit Total	216,524	339,005	56.6%

*Total filings for 2008 revised.

filings totaled 17,051, up 44.5 percent, while Chapter 13 filings also increased 66.2 percent with 3,556 total filings.

Bankruptcy filings in the Western District of Washington showed a 49 percent increase with 24,217 cases. The district's Chapter 7 filings totaled 18,493 cases, up 62 percent from 2008. Chapter 13 filings rose 16.7 percent with 5,493 cases reported in 2009. The District of Idaho followed the trend, reporting 7,704 filings, an increase of 45.4 percent compared to the prior year with 5,300 cases. Chapter 7 filings totaled 6,789 cases while Chapter 13 filings totaled 854 cases.

Bankruptcy filings in the District of Oregon totaled 18,380, up 43.6 percent from the prior year with 12,802 cases. Chapter 7 filings made up 78 percent of the total filings with 14,331 cases, while Chapter 13 filings made up 22 percent with 3,981 total filings. While the increase in Oregon was more modest than some places, the worst may be yet to come with the state's unemployment reaching 9 percent in December 2009, the highest in more than 23 years.

Also experiencing increased filings were the District of Guam with 221 filings, up 46.4 percent; the District of Montana with 2,771 filings, up 40.8 percent; the Eastern District of Washington, which had 7,320 cases, up 31.1 percent; and the District of Alaska, which reported 998 filings, up 12 percent.

The only district reporting a decrease is the District of Northern Mariana Islands with 8 total filings, down 56.6 percent last year with only 12 reported cases.

Appeals to Bankruptcy Appellate Panel Climb

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

All district courts within the Ninth Circuit have issued general orders providing for the automatic referral of bankruptcy appeals to the 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. Historically, the BAP heard between 49 percent and 60 percent of the appeals filed each year. The BAP reached a milestone in 2007 when the number of appeals decided on the merits exceeded 5,000 cases.

Filings and Dispositions

In the 2009 calendar year, 656 new bankruptcy appeals were filed. The BAP received 51 percent of those filings, while the district courts received 49 percent. Bankruptcy appeal filings increased 17 percent from the prior year due to the significant upturn in bankruptcy filings in 2009. Table 11 shows bankruptcy appeal filings by district for 2009.

11 New Bankruptcy Appeal Filings 2009

District	Bankruptcy Appellate Panel	*District Court	Total
Alaska	4	3	7
Arizona	33	33	71
C. Calif.	134	90	224
E. Calif.	47	21	68
N. Calif.	30	46	76
S. Calif.	18	12	30
Hawaii	3	7	10
Idaho	14	3	17
Montana	6	10	16
Nevada	17	41	58
Oregon	9	5	14
E. Wash.	1	8	9
W. Wash.	16	40	56
Totals	332 (50.6%)	324 (49.4%)	656

*The numbers for bankruptcy appeals to the district courts are taken directly from a statistical caseload table prepared by the Administrative Office of the United States Courts ("AOUSC Table B-23"). The numbers for bankruptcy appeals to the BAP are calculated based on data from AOUSC Table B-23 and on data from the BAP's CM/ECF docketing system. The district court numbers include all appeals 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.

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

The BAP disposed of 415 appeals in 2009. Of those, 95 appeals were terminated on the merits. Oral argument was held in 83 appeals and 12 appeals were submitted on briefs. Of the 95 merits decisions, 26 were published opinions. The reversal rate was 15.8 percent. Median time from submission to decision for an appeal decided on the merits was 8.1 months, slightly up from 7.9 months in 2008.

Of the remaining 320 closed cases, 13 were terminated by consolidation and 86 were transferred to the district courts after appellee elections. The remaining 221 closed appeals were terminated on procedural grounds, such as for lack of prosecution, lack of jurisdiction, or voluntary dismissal. The BAP ended the period with 129 appeals pending.

Appeals to the Ninth Circuit

Appeals from a decision of either the BAP or a district court may be filed with the Ninth Circuit Court of Appeals for second-level appellate review. In 2009, 144 second-level appeals were filed; 53 were appeals of BAP decisions; and 91 were from decisions by the district courts. Thus, of the 415 appeals that were disposed of by the BAP, roughly 87 percent were fully resolved, with only about 13 percent seeking second-level review.

New Bankruptcy Appellate Panel Clerk

Susan M. Spraul was appointed to serve as clerk of the Ninth Circuit Bankruptcy Appellate Panel on Sept. 11, 2009. Prior to joining the BAP, Ms. Spraul served as alaw clerk to Chief Bankruptcy Judge Barry S. Schermer of the U.S. Bankruptcy Court for the Eastern District of Missouri and as a member of the Eighth Circuit BAP. Ms. Spraul also served as a law clerk to then-Chief Bankruptcy Judge Marcia S. Krieger of the U.S. Bankruptcy Court for the District of Colorado and as a member of the Tenth Circuit BAP. Ms. Spraul practiced bankruptcy law in St. Louis, Mo., for approximately ten years with an emphasis on Chapter 11 debtor work. She graduated from the University of North Carolina at Chapel Hill School of Law.

Productive Magistrate Judges Help Carry the Caseload

Magistrate judges made significant contributions to the work of federal district courts in 2009. In the Ninth Circuit, 100 full-time and 12 part-time magistrate judges assisted district judges in a wide range of judicial matters, including presiding over preliminary proceedings and jurisdictional matters, some criminal and civil cases, and reviewing prisoner petitions.

Magistrate judges disposed of a combined 209,464 judicial matters during the year, up 14.2 percent from 2008. Increases were reported in 18 categories of dispositions, led by Class A misdemeanor for trial jurisdiction cases, which more than doubled to 2,619, up 140.5 percent. Criminal pretrial conferences numbered 8,795, an increase of 74.5 percent from 2008. Preliminary examinations were up 37 percent from the prior year, while other miscellaneous matters, which includes civil and criminal other jury matters and international prisoner transfer, were up 32.1 percent from the prior year.

Increases also were seen in criminal guilty plea proceedings totaled 9,251, up 28.8 percent, while petty offenses for trial jurisdiction cases, and criminal motions 636(b)(1)A), increased by 27.3 percent in 2009.

Decreases were seen in 14 categories including evidentiary proceedings in prisoner petitions, down 62 percent; other criminal matters which includes writs, mental competency hearings, and motion hearings, down 61.3 percent; and special master references in civil matters, down 39.6 percent.

Other categories with increased numbers include arraignments, up 19.6 percent, civil evidentiary proceedings, up 17.9 percent, and jury trial in civil consent cases, up 13.5 percent. Magistrate judges issued 890 more arrest warrants and summonses, up 12.6 percent from the year before. They also issued 759 more search warrants, an increase of 8.5 percent from 2008.

State habeas petitions were down 6 percent from the year before but accounted for 54.4 percent of all prisoner petitions.

New Magistrate Judges and Governance

Six new full-time magistrate judges were sworn into office over the course of the year. They were David T. Bristow and John E. McDermott (CAC), John Richard Creatura (WAW), William V. Gallo (CAS), Jennifer L. Thurston (CAE), and Nandor J. Vadas (CAN). CHief

The Magistrate Judges Executive Board met in May and consists of, seated from left, Judges Candy W. Dale (ID), Karen L. Strombom (WAW), chair, and Janice M. Stewart (OR), vice chair. Standing in the middle from left to right are Judges Kevin S.C. Chang (HI); John D. Roberts (AK), who sat in for Judge Deborah M. Smith (AK); and Stephen J. Hillman (CAC); District Court Clerk Victoria Minor (CAE), who attended the meeting as a guest; Judge James L. Larson (CAN); and Chief Bankruptcy Judge Robert J. Faris (HI), who attended the meeting as a guest. Standing in the back row from left to right are Dr. Robert Rucker (OCE staff); Judges Gregory G. Hollows (CAE), James P. Hutton (WAE), Carolyn S. Ostby (MT), Anthony J. Battaglia (CAS), and David K. Duncan (AZ); and Thomas C. Hnatowski, chief, Magistrate Judges Division, Administrative Office of the U.S. Courts, attended the meeting as a guest. Not pictured are Judges Valerie P. Cooke (NV), Dale A. Drozd (CAE), Maria-Elena James (CAN), Jeremiah C. Lynch (MT), Joaquin V.E. Manibusan (GU), Robert A. McQuaid, Jr. (NV), and Nita L. Stormes (CAS).

12 Matters Disposed of by Ninth Circuit Magistrate Judges
Period:12 Months Ending September 30, 2009

Activity	2008 Total	2009 Total	Change 2008-2009
Total Matters	183,470	209,464	14.2%
Preliminary Proceedings	79,112	89,293	12.9%
Search Warrants	8,952	9,711	8.5%
Arrest Warrants/Summonses	7,048	7,938	12.6%
Initial Appearances	22,093	23,738	7.4%
Preliminary Examinations	4,734	6,486	37.0%
Arraignments	15,245	18,238	19.6%
Detention Hearings	12,278	13,790	12.3%
Bail Reviews/Nebbia Hearings	1,942	1,903	-2.0%
Other[5]	6,820	7,489	9.8%
Trial Jurisdiction Cases	27,713	36,503	31.7%
Class A Misdemeanors	1,089	2,619	140.5%
Petty Offenses	26,624	33,884	27.3%
Civil Consent Cases	2,794	3,016	7.9%
Without Trial	2,737	2,961	8.2%
Jury Trial	37	42	13.5%
Nonjury Trial	20	13	-35.0%
Additional Duties			
Criminal	27,563	33,141	20.2%
Motions 636(b)(1)(A)[1]	9,384	11,950	27.3%
Motions 636(b)(1)(B)	364	409	12.4%
Evidentiary Proceedings	216	191	-11.6%
Pretrial Conferences[2]	5,039	8,795	74.5%
Probation Revocation and Supervised Release Hearings	729	745	2.2%
Guilty Plea Proceedings	7,183	9,251	28.8%
Other[3]	4,648	1,800	-61.3%
Civil	29,475	27,923	-5.3%
Settlement Conferences	3,165	3,165	0.0%
Other Pretrial Conferences[2]	3,948	3,829	-3.0%
Motions 636(b)(1)(A)[1]	16,462	15,453	-6.1%
Motions 636(b)(1)(B)	1,168	958	-18.0%
Evidentiary Proceedings	28	33	17.9%
Social Security	673	498	-26.0%
Special Master References	111	67	-39.6%
Other[4]	3,920	3,920	0.0%
Prisoner Petitions	6,274	5,667	-9.7%
State Habeas	3,278	3,082	-6.0%
Federal Habeas	376	354	-5.9%
Civil Rights	2,570	2,212	-13.9%
Evidentiary Proceedings	50	19	-62.0%
Miscellaneous Matters[6]	10,539	13,921	32.1%

Magistrate Judge Karen L. Strombom (WAW) is chair of the Magistrate Judges Executive Board and serves as an official observer at meetings of the Judicial Council of the Ninth Circuit. Her term as chair of the board expires in July 2010. Magistrate Judge Janice M. Stewart (OR) serves as vice-chair, and her term as vice-chair expires in July 2010.

The Magistrate Judges Executive Board participated in the orientation of new magistrate judges and held a roundtable discussion after their May meeting in San Francisco. Board members made presentations on matters involving search warrants, recusal, chambers management, a crisis intervention program, and the history of the Ninth Circuit's Magistrate Judges Executive Board. The new members of the board in 2009 include Magistrate Judges Valerie P. Cooke (NV), Dale A. Drozd (CAE), and Jeremiah C. Lynch (MT).

Educational Programs

At the 2009 Ninth Circuit Judicial Conference in Monterey, California, the Magistrate Judges Education program featured a panel discussion on ethical issues relating to *ex parte* judicial communications. Panelists included Magistrate Judge Celeste F. Bremer of the U.S. District Court for the Southern District of Iowa and Magistrate Judge Karen K. Klein of the U.S. District Court for the District of North Dakota.

[1] Before 2000, category included contested motions only. Beginning in 2000, uncontested motions were added.
[2] Before 2000, category did not include status conferences. Beginning in 2000, status conferences were added.
[3] Category includes writs, mental competency hearings, and motion hearings.
[4] Category includes fee applications, summary jury trials, and motion hearings. Beginning in 2006, early neutral evaluations were added.
[5] Category includes material witness hearings and attorney appointment hearings.
[6] Before 2000, this category included seizure/inspection warrants and orders of entry; judgement debtor exams; extradition hearings; contempt proceedings; Criminal Justice Act fee applications; naturalization proceedings; grand/other 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.

Border Courts Factor into Caseload Growth for Federal Defenders

Federal public defenders and community defenders in the Ninth Circuit accounted for 24.8 percent of all new defender cases opened in the United States in fiscal year 2009. Defenders in seven of 14 judicial districts of the Ninth Circuit reported more new cases with the districts of Northern California, Idaho and Southern California reporting the highest percentage increases.

While the number of new defender cases nationally declined by 6.8 percent, Ninth Circuit defenders reported an increase of 2.9 percent, opening 30,552 new cases in FY 2009. Ninth Circuit defenders closed 29,316 cases, a slight increase of .3 percent from the prior fiscal year.

13 Federal Defender Organizations - Cases Opened, Closed and Pending
Period: 12 Months Ending September 30, 2009

Cases	2005	2006	2007	2008	2009	Change 2008-2009
Opened	23,157	25,779	28,676	29,700	30,552	2.9%
Closed	22,979	25,795	28,253	29,233	29,316	0.3%
Pending	8,460	8,471	8,880	9,340	10,580	13.3%

New case openings were most numerous in the circuit's two border courts. Defenders in the Southern District of California opened 6,853 new cases in FY 2009, up 17.3 percent from 5,840 in FY 2008, while the District of Arizona reported 9,307 cases opened, up 4.4 percent from 8,912 new cases the prior fiscal year. Of Arizona's new cases, 8,122 or 87.3 percent of the total were criminal in nature, many of them involving illegal immigration.

Other districts with the large increases were the Northern District of California, 1,274 new cases, up 21.3 percent; the District of Idaho, 319 new cases, up 19.9 percent; the District of Guam, 127 new cases, up 6.7 percent; and the District of Nevada, 1,254 new cases, up 6.6 percent.

Caseloads of federal and community defenders in the circuit have varied with increases reported in five of the last seven fiscal years. The pending caseload of Ninth Circuit federal public and community defenders in fiscal year 2009 increased by 13.3 percent from the prior fiscal year with 10,580 cases reported.

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 federal public defender and community defender offices through the Defender Services Division of the Administrative Office of the U.S. Courts.

Community defender organizations are non-profit legal service organizations staffed by non-government employees, while federal 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, federal public defenders are assigned to court-directed prisoner and witness representations, bail/pre-sentencing, and probation and parole revocation hearings.

By statute, judges of a court of appeals select and appoint federal public defenders to four-year terms. The court makes its initial appointment after a nationwide recruitment and the use of a local screening committee. A federal public defender may be reappointed if the court concludes that he or she is performing in a highly satisfactory manner based upon a broad survey and performance evaluation process.

In 2009, the Ninth Circuit Court of Appeals announced the reappointments of three federal public defenders: Franny A. Forsman in the District of Nevada, Thomas Hillier, II, in the Western District of Washington, and Daniel Broderick in the Eastern District of California. All the reappointments are effective in 2010.

14 Federal Defender Organizations - Summary of Representations by District
Period: 12 Months Ending September 30, 2009

District	Opened Sept. 30, 2008	Opened Sept. 30, 2009	Change 2008-2009	Closed Sept. 30, 2009	Pending Sept. 30, 2009
Alaska	364	296	-18.7%	329	103
Arizona	8,912	9,307	4.4%	9,169	1,226
C. Calif.	3,724	3,546	-4.8%	3,542	1,541
E. Calif.	2,230	2,037	-8.7%	2,037	1,009
N. Calif.	1,050	1,274	21.3%	1,198	518
*S. Calif.	5,840	6,853	17.3%	5,946	2,506
Guam	119	127	6.7%	123	75
Hawaii	583	550	-5.7%	553	473
*Idaho	266	319	19.9%	330	153
*Montana	694	610	-12.1%	634	269
Nevada	1,176	1,254	6.6%	1,122	818
Oregon	1,737	1,465	-15.7%	1,523	950
*E. Wash.	835	876	4.9%	862	290
W. Wash.	2,170	2,038	-6.1%	1,948	649
Circuit Total	29,700	30,552	2.9%	29,316	10,580
National Total	132,117	123,195	-6.8%	123,055	45,204
Circuit Total as % of National Total	22.5%	24.8%	2.3%	23.8%	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.

Federal Probation System in the Ninth Circuit

United States probation officers have a significant role in the federal criminal justice system. They prepare pre-sentence investigation reports on convicted offenders and supervise offenders who have been placed on probation, supervised release, parole and conditional release.

As part of the pre-sentence process, probation officers conduct an independent investigation of the offense conduct, identify applicable guidelines and policy statements, calculate the defendant's offense level and criminal history category, report the resulting sentencing range, and identify factors relevant to the appropriate sentence. In the area of supervision, probation officers establish supervision plans and make use of numerous programs to facilitate an offender's successful supervision.

In the Ninth Circuit, some 832 probation officers are performing their duties in a variety of settings, from courthouses in large metropolitan areas to one-person offices in rural areas. They exemplify the highest ideals and standards in community corrections and are recognized nationally for delivering the highest quality services.

Offenders Under Supervision

The Ninth Circuit experienced a slight increase in the number of persons under post-conviction supervision. Persons under supervision totaled 20,571 in fiscal year 2009, up 1.6 percent from 20,241 in FY 2008. The circuit accounted for 16.6 percent of the national total of 124,183 persons under supervision.

Among those under supervision, 4,025 were on probation from the courts, while 16,546 were on supervised release from institutions. Another 219 persons were on parole and 15 in the custody of the Bureau of Prisons.

The Central District of California with 5,354 cases and the District of Arizona with 3,177 cases had the most persons under supervision. The District of Northern Mariana Islands reported the greatest increase in supervision percentage-wise, up 18.2 percent with 39 cases. The Southern District of California followed with 2,275 cases, up 10 percent from 2,068 cases from the previous fiscal year.

Five judicial districts in the Ninth Circuit reported decreases in the number of persons under supervision. The District of Nevada reported 1,128 cases, down 5.2 percent, followed by the District of Hawaii with 800 cases, down 2.9 percent. The District of Idaho with 414 cases was down 2.6 percent, while the District of Guam with 184 cases decreased by 2.1 percent. Although the Central District had the highest number of persons under supervision, its total cases declined by 2.5 percent.

Drug offenders comprised the largest group of persons under supervision both in the Ninth Circuit and nationwide. In fiscal year 2009, drug offenders under supervision totaled 8,271, up 4.4 percent from 7,925 in the prior fiscal year. Drug cases accounted for 40.2 percent of persons under supervision in the circuit. The next largest category of offenders was property violations with 4,720 persons under supervision or 22.9 percent of the total. This category includes data previously reported as burglary, larceny, embezzlement, fraud, auto theft, forgery and counterfeiting, and postal laws.

Cases Revoked

In FY 2009, Ninth Circuit cases that were revoked and closed after post-conviction supervision numbered 2,870 an increase of 2.6 percent from FY 2008. Of the revocations, 269 were from courts and 2,588 from institutions. Nationally, 13,470 cases were revoked and closed, a slight increase of 1 percent from FY 2008. The Ninth Circuit had 21.3 percent of all cases revoked nationwide.

Early Terminations

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

The number of cases terminated early by judges in the Ninth Circuit totaled 1,153 cases in fiscal year 2009. The District of Arizona led with 290 cases or 25.2 percent of the total early terminations. The Central District of California had 197 early terminations or 17.1 percent, followed by the Western District of Washington with 133 cases or 11.5 percent.

15 Ninth Circuit Federal Probation System
Persons Under Post-Conviction Supervision
Period: 12 Months Ending September 30, 2009

Persons Under Supervision	2008	2009	Change 2008-2009
From Courts	4,117	4,025	-2.2%
From Institutions	16,124	16,546	2.6%
Total	20,241	20,571	1.6%

16 Ninth Circuit Federal Probation System, Persons Under Post-Conviction Supervision by District
Period: 12 Months Ending September 30, 2009

	From Courts	Referred by Institutions					
District	Probation[1]	Supervised Release	Parole[2]	BOP Custody[3]	2008 Total Cases	2009 Total Cases	Change 2008-2009
Alaska	98	217	3	5	311	323	3.9%
Arizona	634	2,514	28	1	3,146	3,177	1.0%
C. Calif.	1,077	4,223	54	0	5,493	5,354	-2.5%
E. Calif.	312	1,291	18	0	1,591	1,621	1.9%
N. Calif.	444	1,128	26	0	1,463	1,598	9.2%
S. Calif.	227	2,027	21	0	2,068	2,275	10.0%
Guam	63	113	2	6	188	184	-2.1%
Hawaii	88	707	5	0	824	800	-2.9%
Idaho	112	296	6	0	425	414	-2.6%
Montana	133	519	3	1	606	656	8.3%
Nevada	261	852	13	2	1,190	1,128	-5.2%
NMI	5	34	0	0	33	39	18.2%
Oregon	223	844	22	0	1,048	1,089	3.9%
E. Wash.	52	413	6	0	466	471	1.1%
W. Wash.	296	1,134	12	0	1,389	1,442	3.8%
Circuit Total	4,025	16,312	219	15	20,241	20,571	1.6%

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

Ninth Circuit Leads Nation in Pretrial Services Caseload

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

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

Pretrial services offices in the Ninth Circuit again ranked first nationally in the number of new cases activated. Case activations in 2009 totaled 31,492, an increase of 17.1 percent from 2008. New case activations nationwide totaled 105,824, an increase of 5.4 percent from the previous year. The Ninth Circuit accounted for 29.8 percent of the national total, up from 26.8 percent in 2008.

Pretrial services offices in the District of Arizona reported the biggest increase in new cases activated in 2009. Working in a border court with a heavy immigration caseload, officers opened 14,768 new cases, up 69.4 percent from 8,719 cases in 2008. Also reporting increases were the Northern District of California with 1,306 new cases, up 26.7 percent; the District of Nevada, with 896 case activations, up 21.7 percent; and the District of Northern Mariana Islands, with 37 case activations, up 27.6 percent.

Eleven districts reported fewer new cases. The District of Guam had 74 total cases activated in 2009, down 35.1 percent; the District of Hawaii, 244 new cases, down 33.3 percent; the District of Alaska, 192 new cases, down 21.6; the Eastern District of California, 1,021 new cases, down 21.4 percent; the Central District of California, 2,570 new cases, down 16.3 percent; the District of Idaho, 334 new cases, down 14.1 percent; the District of Montana, 436 new cases down 13.3 percent; the Southern District of California, 6,889 new cases, down 8.8 percent; the Western District of Washington, 1,342 new cases, down 5.6 percent; the Eastern District of Washington, 529 new cases, down 3.5 percent; and the District of Oregon, 854 new cases, down 1.8 percent.

Pretrial Bail Interviews, Supervised Defendants

The number of interviews conducted by pretrial services officers of defendants in the Ninth Circuit declined in 2009. Interviews totaled 9,721 down 9.1 percent from 10,695 reports in 2008. Pre-bail written reports increased to 30,462 from 25,896, and post-bail reports also increased to 658 from 630 the previous year.

17 Pretrial Services
Cases Activated in Ninth Circuit Courts, 2009

Caseload Measure	2008	2009	Change 2008-2009
*Reports	25,896	30,462	17.6%
Interviews	10,695	9,721	-9.1%
Cases Activated	26,898	31,492	17.1%

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

Pretrial services officers made recommendations to the court in 97.1 percent of cases with interviews, compared to the national average of 91.9 percent. Detention was recommended in 76 percent of all cases in 2009, an increase of 13.9 percent from 2008. In comparison, offices of the U.S. attorneys in the circuit made recommendations in 97.3 percent of cases, and detention was recommended in 71.6 percent of the cases, an increase of 9.4 percent from 2008.

During 2009, a total of 5,350 defendants in the Ninth Circuit were released from custody to pretrial services supervision, down 7.3 percent the previous year. Of these, 4,217 were released on standard pretrial services supervision, a decrease of 6.5 percent from 2008; 1,007

were supervised on a courtesy basis from another district or circuit, down 7.1 percent; and 126 were on pretrial diversion caseloads, a decrease of 30 percent.

Nonappearance and Re-Arrest Rates Remain Low

The rate of bail revocations due to nonappearance and/or re-arrest of supervised defendants remained significantly low in 2009. The rate of nonappearance in the circuit stayed at 0.6 percent. The 15 district courts of the Ninth Circuit revoked the bail of 126 defendants who absconded from supervision.

Violations

Of 13,235 cases in release status in 2009, 1,375 had violations reported to the court. They include 91 violations for felony re-arrest, 117 for misdemeanor re-arrest, 42 for other re-arrest violations, and 82 for failure to appear. Technical violations, which include positive urine tests for illegal substances, violation of electronic monitoring conditions, possession of contraband, and failure to report to officer, accounted for the remainder of the 1,273 reported violations.

18 Pretrial Workload Chart
2009

	Defendant Contact		Written Reports					
District	Interviewed	*Not Interviewed	**Prebail	Postbail	No Reports Made	Total Cases Activated 2008	Total Cases Activated 2009	Change 2008-2009
Alaska	63	129	184	1	7	245	192	-21.6%
Arizona	1,698	13,070	14,694	31	43	8,719	14,768	69.4%
C. Calif.	1,535	1,035	2,539	28	3	3,070	2,570	-16.3%
E. Calif.	355	666	974	15	32	1,299	1,021	-21.4%
N. Calif.	444	862	949	354	3	1,031	1,306	26.7%
S. Calif.	3,486	3,403	6,768	85	36	7,557	6,889	-8.8%
Hawaii	185	59	242	2	0	366	244	-33.3%
Idaho	225	109	320	0	14	389	334	-14.1%
Montana	252	184	411	23	2	503	436	-13.3%
Nevada	488	408	895	0	1	736	896	21.7%
Oregon	289	565	851	2	1	870	854	-1.8%
E. Wash.	174	355	252	59	218	548	529	-3.5%
W. Wash.	444	898	1,274	58	10	1,422	1,342	-5.6%
Guam	50	24	72	0	2	114	74	-35.1%
N. Mariana Is.	33	4	37	0	0	29	37	27.6%
Circuit Total	9,721	21,771	30,462	658	372	26,898	31,492	17.1%
National Total	63,519	42,305	96,779	5,735	3,310	100,431	105,824	5.4%
Circuit % of National	15.3%	51.5%	31.5%	11.5%	11.2%	26.8%	29.8%	3.0%

Note: This table excludes data for the District of Columbia and includes transfers received.
*Includes cases in which interviews were refused, includes defendants not available for interview, and includes transfer-received cases in which defendants were interviewed in other districts.
**Includes prebail reports with and without recommendations, and includes types of reports categorized in previous periods as "other reports."

Juror Utilization

19 Juror Utilization 2009

District	Grand Juries Empaneled, 2009	Petit Juries Selected, 2009	Petit Juror Utilization Rate Percent Not Selected or Challenged* 2008	2009	Change 2008-2009
Alaska	2	14	33.5	54.1	20.6
Arizona	10	88	32.1	39.9	7.8
C. Calif.	29	179	58.3	61.8	3.5
E. Calif.	9	85	41.1	49.5	8.4
N. Calif.	6	57	47.6	41.1	-6.5
S. Calif.	7	106	43.8	43.6	-0.2
Hawaii	5	16	34.2	47.5	13.3
Idaho	6	17	42.7	29.3	-13.4
Montana	3	44	27.9	34.0	6.1
Nevada	4	37	56.5	48.8	-7.7
Oregon	12	53	43.5	33.2	-10.3
E. Wash.	4	23	50.6	40.6	-10.0
W. Wash.	4	48	31.4	26.9	-4.5
Guam	2	4	49.5	50.1	0.6
N. Mariana Is.	2	4	52.3	39.1	-13.2
Circuit Total	105	775	***	***	
Circuit Average	13	97	43.0	42.6	-4.0
National Average	8	56	37.9	40.1	2.2

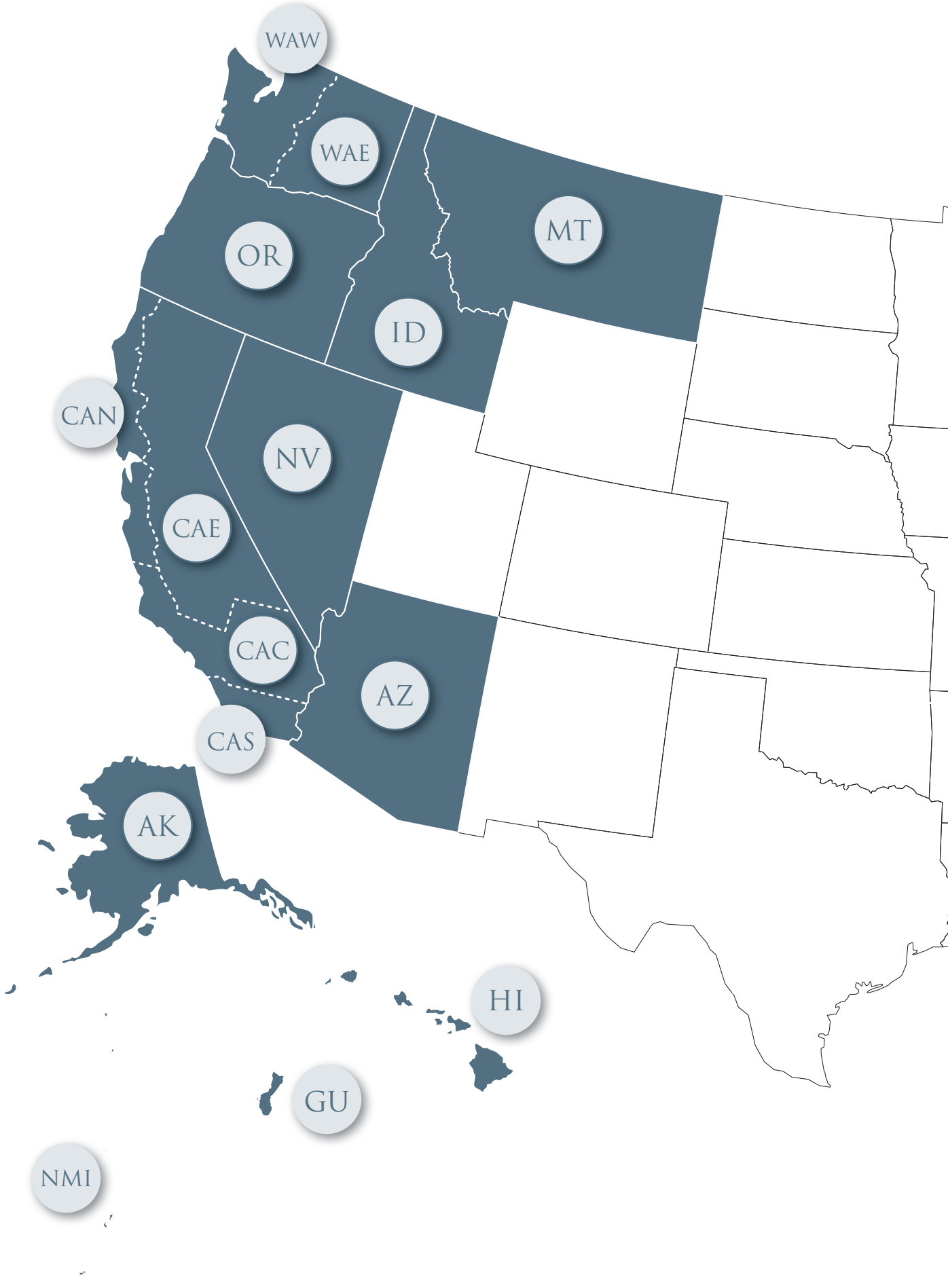
Note: This table includes data on jury selection days only. Data on juror service after the selection day are not included.
*Includes jurors who completed pre-screening questionnaires or were in the courtroom during the conducting of *voir dire* but were not selected or challenged. Also includes jurors, not selected or challenged, who were not called to the courtroom or otherwise did not participate in the actual *voir dire*.

Court Interpreters

20 Interpreter Usage by District Courts
Period: 12 Months Ending September 30, 2009

Languages	AK	AZ	C. Calif.	E. Calif.	N. Calif.	S. Calif.	HI	ID	MT	NV	OR	E. Wash.	W. Wash.	GU	NMI	Total
Arabic	0	1	27	2	9	14	0	0	0	0	0	0	3	0	0	56
Armenian	0	0	145	18	0	0	0	0	0	1	0	0	0	0	0	164
Cantonese	0	17	65	138	168	21	1	0	0	0	0	0	4	0	0	414
Farsi	0	0	83	0	17	0	0	0	0	0	0	0	7	6	0	113
Japanese	0	0	1	0	3	2	2	0	0	0	0	0	1	0	0	9
Korean	0	0	110	15	32	52	16	0	0	0	2	0	25	26	0	278
Mandarin	1	36	185	52	52	86	0	0	0	11	2	0	11	3	0	439
Navajo (Certified)	0	152	0	0	0	0	0	0	0	0	0	0	0	0	0	152
Navajo (Non-Certified)	0	49	0	0	0	0	0	0	0	0	0	0	0	0	0	49
Russian	0	0	17	17	10	3	0	0	1	3	1	0	7	0	0	59
Sign (American)	0	0	4	6	2	13	0	0	0	2	0	0	4	0	0	31
Sign (Mexican)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Spanish Staff	36	49,525	1,615	1,226	795	21,985	0	0	0	762	0	0	0	0	0	75,944
Spanish (Certified)	2	6,966	4,456	1,493	2,049	1,087	14	19	5	41	1,334	817	670	0	0	18,953
Spanish (Non-Certified)	0	40	0	9	1	0	84	459	114	333	60	121	22	1	0	1,244
Tagalog	14	0	29	0	6	4	4	0	0	0	0	0	12	8	0	77
Vietnamese	0	4	166	26	64	22	0	0	0	0	10	43	162	0	0	497
All Others	3	134	125	258	39	65	54	0	3	17	0	5	137	11	0	851
Subtotal	56	56,924	7,028	3,260	3,247	23,354	175	478	123	1,170	1,409	986	1,065	55	0	99,330
Document Translations	0	8,821	234	63	0	63	0	0	0	26	11	318	1	0	0	9,542
Individual Orientation	0	20	63	59	0	17	31	0	0	7	0	0	0	0	0	197
Orientation Workshop	0	5	0	1	0	0	0	0	0	5	0	0	0	0	0	11
Telephone Interpreting	56	0	1	0	0	4	0	0	0	0	0	0	5	0	0	66
Trial Days (Multiple)	0	176	86	44	17	140	0	0	0	15	30	2	38	0	0	548
Trial Days (One)	0	16	32	16	6	35	24	286	24	0	1	11	22	11	0	584
Grand Total	112	65,962	7,444	3,443	3,270	23,613	230	864	152	1,223	1,451	1,317	1,131	66	0	110,278

District Caseloads



District Caseloads

AK District of Alaska

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	540	531	-1.7%	177
Terminations	563	549	-2.5%	183
Pending[1]	567	549	-3.2%	183
Bankruptcy Court				
Filings	891	998	12.0%	499
Terminations	816	935	14.6%	468
Pending[1]	1,129	1,192	5.6%	596

[1] 2008 total pending cases revised.

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

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

AZ District of Arizona

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	6,529	9,612	47.2%	739
Terminations	7,124	8,794	23.4%	676
Pending	4,893	5,711	16.7%	439
Bankruptcy Court				
Filings	19,532	34,637	77.3%	4,948
Terminations	15,011	22,180	47.8%	3,169
Pending[1]	22,300	34,757	55.9%	4,965

[1] 2008 total pending cases revised.
[2] Includes one authorized temporary judgeship.
[3] Kingman and Bullhead City apply only to the bankruptcy court.

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

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

CAC Central District of California

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	14,444	15,161	5.0%	541
Terminations	14,088	15,022	6.6%	537
Pending[1]	12,573	12,712	1.1%	454
Bankruptcy Court				
Filings[2]	65,858	108,647	65.0%	4,527
Terminations	40,414	85,719	112.1%	3,572
Pending[1]	51,505	74,443	44.5%	3,102

[1] 2008 total pending cases revised.
[2] 2008 total bankruptcy filings revised.
[3] Includes one authorized temporary judgeship.
[4] Includes three authorized temporary judgeships.
[5] San Fernando Valley and Santa Barbara apply only to the bankruptcy court.

Authorized places of holding court: Los Angeles, Riverside, San Fernando Valley[5], Santa Ana, Santa Barbara[5]

Authorized Judgeships	
District[3]	28
Bankruptcy[4]	24
Magistrate	
Full time	23
Part-time	1

CAE Eastern District of California

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	5,914	6,766	14.4%	1,128
Terminations	5,591	6,335	13.3%	1,056
Pending[1]	8,268	8,699	5.2%	1,450
Bankruptcy Court				
Filings	32,154	47,418	47.5%	6,774
Terminations	27,141	39,510	45.6%	5,644
Pending[1]	21,407	29,311	36.9%	4,187

[1] 2008 total pending cases revised.
[2] Includes one authorized temporary judgeship.

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

Authorized Judgeships	
District	6
Bankruptcy[2]	7
Magistrate	
Full time	12
Part-time	0

CAN Northern District of California

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	6,694	7,341	9.7%	524
Terminations	6,910	7,865	13.8%	562
Pending[1]	8,580	8,056	-6.1%	575
Bankruptcy Court				
Filings[2]	21,201	33,025	55.8%	3,669
Terminations	17,060	24,871	45.8%	2,763
Pending[1]	22,510	30,666	36.2%	3,407

[1] 2008 total pending cases revised.
[2] 2008 total bankruptcy filings revised.

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

Authorized Judgeships	
District	14
Bankruptcy	9
Magistrate	
Full time	11
Part-time	0

CAS Southern District of California

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	7,330	7,958	8.6%	612
Terminations	7,475	8,545	14.3%	657
Pending[1]	5,419	4,832	-10.8%	372
Bankruptcy Court				
Filings	14,017	20,728	47.9%	5,182
Terminations	11,913	17,787	49.3%	4,447
Pending[1]	8,466	11,406	34.7%	2,852

[1] 2008 total pending cases revised.
[2] El Centro applies only to the district court

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

Authorized Judgeships	
District	13
Bankruptcy	4
Magistrate	
Full time	11
Part-time	0

District Caseloads

GU District of Guam

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	102	96	-5.9%	96
Terminations	117	106	-9.4%	106
Pending[1]	95	105	10.5%	105
Bankruptcy Court				
Filings	151	221	46.4%	385
Terminations	127	174	37.0%	271
Pending[1]	141	188	33.3%	327

Note: The Guam district judge also handles all bankruptcy cases.
[1] 2008 total pending cases revised.

Authorized places of holding court: Hagatna

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

HI District of Hawaii

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	1,159	1,024	-11.6%	256
Terminations	1,253	1,169	-6.7%	292
Pending[1]	1,097	952	-13.2%	238
Bankruptcy Court				
Filings	2,087	3,123	49.6%	3,123
Terminations	1,760	2,619	48.8%	2,619
Pending	1,622	2,126	31.1%	2,126

[1] 2008 total district court pending cases revised.
[2] Includes one authorized temporary judgeship.

Authorized places of holding court: Honolulu

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

ID District of Idaho

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	867	963	11.1%	482
Terminations	817	858	5.0%	429
Pending[1]	879	984	11.9%	492
Bankruptcy Court				
Filings[2]	5,301	7,704	45.3%	3,852
Terminations	4,546	6,646	46.2%	3,323
Pending	5,573	6,631	19.0%	3,316

[1] 2008 total district court pending cases revised.
[2] 2008 total bankruptcy filings revised.
[3] Twin Falls applies only to the bankruptcy court. Only one of the two bankruptcy judges holds court in Twin Falls once a month.

Authorized places of holding court: Boise, Coeur d'Alene, Moscow, Pocatello, Twin Falls[3]

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

MT District of Montana

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	986	976	-1.0%	325
Terminations	1,168	1,046	-10.4%	349
Pending[1]	999	929	-7.0%	310
Bankruptcy Court				
Filings	1,968	2,771	40.8%	2,771
Terminations	2,487	2,236	-10.1%	2,236
Pending[1]	2,594	3,129	20.6%	3,129

[1] 2008 total pending cases revised.

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

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

NV District of Nevada

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2008
District Court				
Filings	3,064	3,928	28.2%	561
Terminations	2,783	3,458	24.3%	494
Pending[1]	3,483	3,953	13.5%	565
Bankruptcy Court				
Filings[2]	18,717	29,808	59.3%	7,452
Terminations	10,499	16,760	59.6%	4,190
Pending[1]	23,450	36,497	55.6%	9,124

[1] 2008 total pending cases revised.
[2] 2008 total bankruptcy filings revised.
[3] Includes one authorized temporary judgeship.

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

Authorized Judgeships	
District	7
Bankruptcy[3]	4
Magistrate	
Full time	6
Part-time	0

NMI District of the Northern Mariana Islands

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2008
District Court				
Filings	74	70	-5.4%	70
Terminations	52	52	0.0%	52
Pending[1]	81	99	22.2%	99
Bankruptcy Court				
Filings	12	8	-33.3%	32
Terminations	8	7	-12.5%	12
Pending	25	26	4.0%	49

Note: The Northern Mariana Islands district judge also handles all bankruptcy cases.
[1] 2008 total pending cases revised.

Authorized places of holding court: Saipan

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

District Caseloads

OR District of Oregon

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	2,867	2,932	2.3%	489
Terminations	3,050	2,899	-5.0%	483
Pending[1]	3,062	3,095	1.1%	516
Bankruptcy Court				
Filings	12,802	18,380	43.6%	3,676
Terminations	11,704	15,533	32.7%	3,107
Pending[1]	14,853	17,696	19.1%	3,539

[1] 2008 total pending cases revised.
[2] Bend, Coos Bay, Redmond and Roseburg apply only to the bankruptcy court.

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

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

WAE Eastern District of Washington

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	1,059	1,050	-0.8%	263
Terminations	1,086	1,033	-4.9%	258
Pending[1]	874	891	1.9%	223
Bankruptcy Court				
Filings	5,583	7,320	31.1%	3,660
Terminations	5,536	6,840	23.6%	3,420
Pending[1]	5,364	5,844	8.9%	2,922

[1] 2008 total pending cases revised.
[2] Richland and Walla Walla apply only to the district court.

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

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

WAW Western District of Washington

Caseload Measure	2008	2009	Change 2008-2009	Per Judgeship Unweighted 2009
District Court				
Filings	3,748	3,813	1.7%	545
Terminations	4,000	4,023	0.6%	575
Pending[1]	3,519	3,309	-6.0%	473
Bankruptcy Court				
Filings[2]	16,250	24,217	49.0%	4,843
Terminations	13,739	19,783	44.0%	3,957
Pending[1]	16,545	20,984	26.8%	4,197

[1] 2008 total pending cases revised.
[2] 2008 total bankruptcy filings revised.

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

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

Photographs and design details in this report were adapted from new and archived images of the newly rededicated Nakamura Courthouse in Seattle, Washington. More details of the rededication can be found starting on page 34 of this publication.

The Office of the Circuit Executive would like to acknowledge the following for their contributions to the 2009 Ninth Circuit Annual Report:

Chief Judge Alex Kozinski
Cathy A. Catterson, *Circuit and Court of Appeals Executive*
Molly C. Dwyer, *Clerk of Court, Ninth Circuit Court of Appeals*
Susan M. Spraul, *Clerk, Bankruptcy Appellate Panel*
Susan V. Gelmis, *Supervisory Staff Attorney, Ninth Circuit Court of Appeals*
Paul T. Keller, *Supervisory Staff Attorney, Ninth Circuit Court of Appeals*
Denise B. Leonard, *Assistant Information Systems Manager, Ninth Circuit Court of Appeals*

Office of the Circuit Executive
Cathy A. Catterson, Circuit & Court of Appeals Executive
P.O. Box 193939, San Francisco, CA 94119-3939
Ph: (415) 355-8800, Fax: (415) 355-8901
http://www.ce9.uscourts.gov