Ninth Circuit
United States Courts

2010 Annual Report

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: Circuit Judge Raymond C. Fisher, Circuit Judge Ronald M. Gould, Circuit Judge Johnnie B. Rawlinson, Chief District Judge James Ware (CAN), Senior District Judge Stephen M. McNamee (AZ), Chief District Judge Robert S. Lasnik (WAW), Chief Bankruptcy Judge Terry L. Myers (ID), Magistrate Judge David K. Duncan (AZ), Bankruptcy Court Clerk Michael B. Dowling (HI), Chief Probation Officer Mario Moreno (AZ), and Chief Pretrial Services Officer Roy Saenz (CAN).

*Term expired September 30, 2010.

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

1 Foreword by Chief Judge Alex Kozinski
3 Ninth Circuit Overview
4 Judicial Council and Administration

Judicial Transitions

8 New Judges
14 New Senior Judges
16 In Memoriam

Ninth Circuit Highlights

20 Ninth Circuit Efforts Spark Renewed Interest in Cameras in the Courtroom
23 Judicial Visits, Educational Programs Raise Ninth Circuit Profile Overseas
26 Annual Judicial Conference Offers Varied Program for Bench, Bar
27 Awards Recognize Leadership, Achievement by Bench, Bar and Academia
29 Courts Participate in Disaster Planning Exercise
30 *Pro Se* Conference Addresses Challenges Posed by Self-Represented Litigants
31 Ninth Circuit, Justice Kennedy Welcome New Appellate Law Clerks
32 New Judges Orientation
33 Court of Appeals Makes Historic First Visit to Pocatello
33 Ninth Circuit Hosts Federal Bar Association Review of Supreme Court Rulings
34 Jury Instructions Committee Fills Critical Role
35 IT Committee Keeps Tabs on Technology
36 New Clerks Take Reins in District, Bankruptcy Courts

Space & Security

38 Historic Pioneer Courthouse – Oldest in the West
41 Construction of Bakersfield Courthouse Underway
42 Courthouse Under Construction
42 Courthouses in Design Phase

The Work of the Courts

44 Court of Appeals Remains Nation's Busiest
46 Ninth Circuit Court of Appeals Judges
49 Workload Rises in Federal Trial Courts of the Circuit
53 Poor Economy Produces New Wave of Bankruptcy Filings
55 Bankruptcy Appellate Panel Sees Caseload Rise Again
57 Magistrate Judges Keep Pace with Growing Workload
59 Caseloads Rise for Federal Public Defenders
61 Probation Officers Play Key Role in Sentencing, Supervision
63 Workload Rises for Ninth Circuit Pretrial Services Officers
65 Juror Utilization
66 Court Interpreters
67 District Caseloads

Foreword

Judges and staff in all of the federal courts work hard to provide the highest level of service to the legal community and the public. In matters large and small, they strive to follow the law in crafting decisions, which often can have far reaching effects on our society. The federal courts of the Ninth Circuit were once again among the busiest in the nation, dispensing criminal justice and settling civil disputes in nine western states and two Pacific Island jurisdictions. The *2010 Ninth Circuit Annual Report* looks back at their work this year. I hope you find the report useful and encourage you to provide us with feedback.

This was another challenging but productive year for our courts. On the operational side, the Ninth Circuit was among the busiest in the nation in new filings. Nationwide, the Ninth Circuit accounted for 17.6 percent of district court filings, 21.4 percent of appellate court filings and 25 percent of bankruptcy filings. Criminal and civil filings in the district court rose a combined 4.2 percent, while bankruptcy filings were up 28.8 percent.

While most of our courts saw their caseloads rise, they were also more productive as measured by case terminations, which were up 7.8 percent in the district courts and 58.3 percent in the bankruptcy courts. Magistrate judges disposed of 230,638 judicial matters, up 10.1 percent from the previous year. At the Court of Appeals, hard work by judges and staff reduced the pending caseload by 8.2 percent and shortened the median time interval from initial filing to final disposition of an appeal by 1½ months. Case terminations increased by 4.1 percent with appellate panels rendering decisions in 47 percent of all cases closed. Although new appeals were down 1.9 percent, the Ninth Circuit remained the nation's busiest appellate court.

Delays in filling judicial vacancies and the failure of Congress to authorize new judgeships, despite ample evidence of need, continue to be critical problems for the Ninth Circuit in 2010. Just eight district judges received their judicial commissions, leaving 12 district judgeships vacant at year's end. In the Court of Appeals, only one judge was appointed. Mary H. Murguia of Arizona received her commission in January 2011. Four seats were left empty for much of the year. No action was taken on bills to authorize new judges for courts where they are badly needed, including Arizona and the Eastern District of California.

Chief Judge
Alex Kozinski

The Eastern District of California again had the heaviest caseload in the nation—almost three times the national average—as the judges there continue to labor under a deluge of prisoner litigation, which significantly delays other civil matters.

The District of Arizona saw a 30 percent jump in criminal filings in 2010 as a result of increased law enforcement efforts along the U.S.-Mexico border. By year's end the Arizona court was preparing to declare a judicial emergency that would suspend the time limit set by federal statute for bringing criminal defendants to trial.

These district courts are receiving assistance from other parts of the judiciary, including an extraordinary effort organized by the Judicial Council of the Ninth Circuit to help the Eastern District of California reduce its backlog of prisoner civil rights and habeas cases. Volunteer judges from other district courts within the circuit and from the Ninth Circuit Court of Appeals have closed more than 800 prisoner matters. Visiting judges also are helping the District of Arizona try to keep pace with its burgeoning caseload. While the volunteer judges are to be commended, such assistance is only a temporary solution. We remain hopeful that vacancies will be filled quickly and new judges authorized soon, and we thank the federal bar and others for their support in this effort.

Thanks also are due to the senior judges of our courts, who are eligible to retire at full salary but choose to continue serving the court. During the year, 21 senior circuit judges sat on motions and appellate panels,

served on committees and handled other tasks. In the district courts, 60 senior judges heard cases, presided over procedural matters, served on committees and conducted other business during 2010. Without their ongoing contributions, courts would quickly fall behind rising caseloads.

In the area of court initiatives, 2010 saw progress in expanding the use of cameras in the courtroom to improve public understanding of judicial processes and enhance confidence in the rule of law. The Ninth Circuit has allowed cameras at the appellate level since 1991 and supports testing cameras on a limited basis in federal trial courts. Separate pilot programs for this purpose have been authorized by the Judicial Council of the Ninth Circuit and by the Judicial Conference of the United States. The Ninth Circuit program is currently being held in abeyance to allow our district courts and judges to participate in the national effort in 2011.

The Ninth Circuit Court of Appeals upgraded cameras and other equipment to make high-definition digital video recordings of important *en banc* proceedings available for viewing from the court's website. Also during the year, the court began distributing live audio/video feeds of *en banc* proceedings to other federal courthouses in the Ninth Circuit and elsewhere, and encouraged law schools to use televised proceedings as an enriching educational experience for their students. Students at more than a dozen prominent law schools across the country tuned into two major cases heard late in the year.

The televised proceedings were a new step in an ongoing relationship with law schools. In 2010, the court also held special sittings at Stanford University, the University of Hawaii, the University of Nevada at Las Vegas and the University of San Diego. Faculty and students observed the proceedings and later engaged in informal discussions with the visiting judges. The court also welcomed visits by law students to the historic James R. Browning U.S. Courthouse in San Francisco.

An ongoing initiative involves support for the rule of law overseas. Ninth Circuit courts welcome visits by foreign judges and court administrators, and our judges also travel overseas on occasion to share their expertise. A number of these exchanges occurred in 2010, including major educational programs organized for judges and court staff of the various island nations of the Northern Pacific.

In the area of space and facilities, work began on a new courthouse in Bakersfield, California, and on the remodeling of the Prince Jonah Kuhio Kalaniana'ole Federal Building and U.S. Courthouse in Honolulu, Hawaii. Work continued on new courthouses in San Diego, California, and Billings, Montana. The Court of Appeals also celebrated completion of a remodeled U.S. Courthouse in Pocatello, Idaho, with a special sitting and an open house.

Judges honored during the year included Senior District Judge Howard D. McKibben of Nevada, who received the prestigious Ninth Circuit Professionalism Award from the American Inns of Court, and Senior Circuit Judge Dorothy W. Nelson, who received a special ADR Lifetime Achievement Award for her tireless efforts to promote use of alternative dispute resolution. Circuit Judge Harry Pregerson received the Peter E. Haas Public Service Award from the University of California, recognizing his efforts to build homeless shelters, child care centers and job training facilities in needy areas of Los Angeles. Circuit Judge M. Margaret McKeown received the American Bar Association's Margaret Brent Women Lawyers of Achievement Award.

Courts mourned the passing of a number of distinguished jurists of our district courts, including Judge Franklin D. Burgess of the Western District of Washington; Judge Florence-Marie Cooper of the Central District of California; Judge Myron D. Crocker of the Eastern District of California; Judge Samuel P. King of the District of Hawaii; and Judge Howard B. Turrentine of the Southern District of California.

We invite you to review this report further for more information about the work of the federal 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 include the Districts of Alaska, Arizona, Central California, Eastern California, Northern California, Southern California, Hawaii, Idaho, Montana, Nevada, Oregon, Eastern Washington, Western Washington, the U.S. Territory of Guam and the Commonwealth of the Northern Mariana Islands. The establishment of the Ninth Circuit in 1866 began the development of the federal judicial system for the western United States. 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. Nominated by the president and confirmed by the Senate, Article III judges serve lifetime appointments upon good behavior. The Ninth Circuit Court of Appeals has been authorized 29 judgeships and ended 2010 with four vacant positions. For most of the year, the district courts were authorized 112 judgeships, 12 of which were vacant at the end of 2010.

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. On the Ninth Circuit 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, 60 senior judges heard cases, presided over procedural matters, served on committees and conducted other business during 2010.

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 2010, bankruptcy courts in the Ninth Circuit were authorized 68 permanent and five temporary judgeships. The district courts were authorized 102 full-time and 11 part-time magistrate judges. Several courts also utilized recalled bankruptcy and recalled magistrate judges.

Overall, the Ninth Circuit courts experienced increased caseloads in 2010. Unless otherwise noted, statistics in this report cover the 2010 fiscal year.

Judicial Council & Administration

The Judicial Council of the Ninth Circuit is the governing body for federal district and bankruptcy courts in nine western states and two Pacific island jurisdictions. The Judicial Council's statutory mission is to support the effective and expeditious administration of justice and the safeguarding of fairness in the administration of the courts. It has statutory authority to "make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit," [28 U.S.C. 332(d)(1)].

Among the noteworthy actions taken by the Judicial Council in 2010:

- Directed staff to develop a model local rule and suggested guidelines for district courts considering participating in a pilot program allowing cameras in federal trial courts.
- Approved an electronic devices policy prepared by Special Subcommittee for Electronic Devices for consideration by judges.
- Approved case management and budgeting policies applicable to non-capital representations for counsel appointed under the Criminal Justice Act.
- Voted to support requests for additional judges for bankruptcy courts in Arizona, Nevada and three of the four judicial districts in California.
- Approved revisions to the Ninth Circuit Employment Dispute Resolution Model Plan and to Procedures Governing Complaints of Adverse Actions and Grievances.
- Approved amended jury plans for several judicial districts in the circuit.

Also during the year, the Judicial Council agreed to encourage all the courts in the Ninth Circuit to use the Web Online Federal Court Opinions Information System as a means of fulfilling obligations under the E-Government Act to provide the public with electronic access to all written opinions. The council also approved the report of the Conference of Chief District Judges Case Management Committee in which each district will take into account the particular circumstances of their district, including judicial vacancies and fluctuating caseloads.

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 Vaughn R. Walker of the Northern District of California served as chair of the conference from October 2009 to September 2010. He was succeeded by Chief District Judge Robert S. Lasnik of the Western District of Washington, who will chair the conference until August 2011.

Elevated to chief district judge during the year was District Judge James Ware of the Northern District of California.

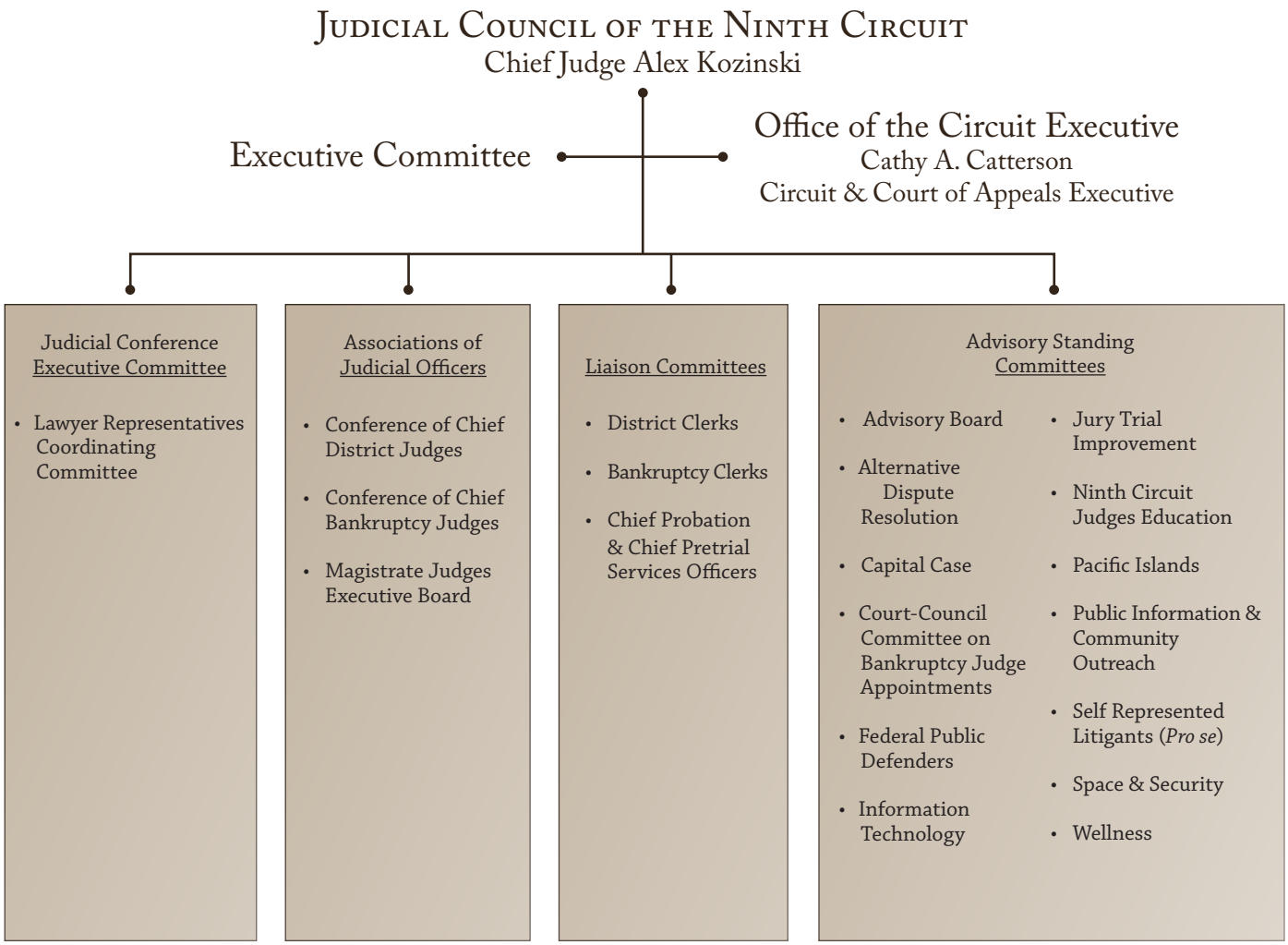
Conference of Chief Bankruptcy Judges

The Conference of Chief Bankruptcy Judges advises the Judicial Council of the Ninth Circuit on the administration of the bankruptcy courts within the circuit. The conference, which also meets twice per year, consists of chief bankruptcy judges from each district and the chief bankruptcy judge of the BAP. Chief Bankruptcy Judge Randall J. Newsome of the Northern District of California chaired the conference from November 2009 to September 2010. He was succeeded by Chief Bankruptcy Judge Terry L. Myers of the District of Idaho, who will chair the conference until August 2011.

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 of the Ninth Circuit on behalf of the more than 115 full-time, part-time and recalled magistrate judges serving in the district courts. The 15-member board meets twice a year and holds a session with all magistrate judges at the annual circuit conference. Magistrate Judge David K. Duncan of the District of Arizona is the current chair. His term began in July 2010 and will expire in July 2012.



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 federal public defender or community defenders, who represent indigent defendants unable to afford private counsel. Indigent defendants in the District of Northern Mariana Islands are represented by private attorneys provided by the District of Guam and paid through the federal Criminal Justice Act.

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, 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 Judges

Judge Dolly M. Gee was confirmed by the Senate to serve as a district judge for the Central District of California on December 24, 2009. She received her commission on January 4, 2010, and became the first Chinese American woman to serve as an Article III federal judge. Prior to her appointment, Judge Gee was a partner at Schwartz, Steinsapir, Dohrmann & Sommers LLP in Los Angeles, California, from 1986 to 2009. She served as a Ninth Circuit Judicial Conference lawyer representative for the Central District of California from 1993 to 1996. Judge Gee received her B.A. in 1981 from the University of California at Los Angeles, where she graduated *summa cum laude*. She was an extern for California Supreme Court Justice Allen E. Broussard in 1983. Judge Gee received her J.D. from the UCLA School of Law in 1984. Following law school, Judge Gee clerked for the late District Judge Milton L. Schwartz of the U.S. District Court for the Eastern District of California from 1984 to 1986. She maintains chambers in Los Angeles.

Judge Leslie E. Kobayashi was confirmed by the Senate to serve as a district judge for the District of Hawaii on December 18, 2010. She received her commission on December 22, 2010. Prior to her appointment, she had served as a federal magistrate judge for the District of Hawaii since 1999. Judge Kobayashi was an adjunct professor at the University of Hawaii at Manoa, William S. Richardson School of Law, in 2000 and 2001. She engaged in private practice in Honolulu from 1984 to 1999, and served as a deputy prosecuting attorney for the City and County of Honolulu, from 1983 to 1984. Judge Kobayashi received her B.A. from Wellesley College in 1979 and her J.D. from Boston College, School of Law, in 1983. She maintains chambers in Honolulu.

Judge Lucy H. Koh was confirmed by the Senate to serve as a district judge for the Northern District of California on June 7, 2010. She received her commission on June 9, 2010. Judge Koh served previously as a judge of the Santa Clara County (California) Superior Court from 2008 to 2010. Prior to joining the bench, Judge Koh engaged in private practice as a partner at McDermott Will & Emery from 2002 to 2008, and as a senior associate at Wilson Sonsini Goodrich & Rosati from 2000 to 2002. Judge Koh served as an assistant U.S. attorney for the Central District of California from 1997 to 2000; as a special assistant to the U.S. deputy attorney general, Department of Justice, from 1996 to 1997; and as a special counsel, Office of Legislative Affairs, DOJ, from 1994 to 1996. She was a U.S. Senate Judiciary Committee Fellow from 1993 to 1994. Judge Koh received her B.A. from Harvard University in 1990 and her J.D. from Harvard Law School in 1993. She maintains chambers in San Jose.

Judge Kimberly J. Mueller was confirmed by the Senate to serve as a district judge for the Eastern District of California on December 16, 2010. She received her commission on December 21, 2010. Prior to her appointment, she had served as a federal magistrate judge for the Eastern District of California since 2003. Judge Mueller engaged in private practice in Sacramento, California, from 2000 to 2003 and from 1995 to 1999. In between, she served as an adjunct professor at the University of the Pacific, McGeorge School of Law, from 2000 to 2001, and an adjunct professor at UC Davis, School of Law, in 1999. Judge Mueller received her B.A. from Pomona College in 1981 and her J.D. from Stanford Law School in 1995. She maintains chambers in Sacramento.

Judge Gloria M. Navarro was confirmed by the Senate to serve as a district judge for the District of Nevada on May 5, 2010. She received her commission on May 6, 2010. Prior to her appointment, Judge Navarro worked as a chief deputy district attorney in the civil division of the Clark County (Nevada) Office of the District Attorney in Las Vegas from 2005 to 2010. She had worked previously in the Clark County Office of the Special Public Defender, from 2001 to 2004. She had been in a private practice as a sole practitioner in Las Vegas from 1996 to 2001, and as an associate attorney at Kelly & Sullivan, Ltd., from 1994 to 1996. Other prior legal experience includes work as a research and writing specialist, Office of the Federal Public Defender, District of Nevada, from 1993 to 1994; as a contract law clerk for the Nevada Appellate and Post-Conviction Project; and as a mitigation investigator for Fitzsimmons Law Offices in 1993. Judge Navarro received her B.A. from the University of Nevada at Las Vegas in 1989 and her J.D. from Arizona State University, College of Law, in 1992. She worked as a legal extern for District Judge Philip M. Pro, U.S. District Court for the District of Nevada, where she earned law school credits in 1991. She maintains chambers in Las Vegas.

Judge Rosanna M. Peterson was confirmed by the Senate to serve as a district judge for the Eastern District of Washington on January 25, 2010. She received her commission on January 26, 2010. Prior to her appointment, Judge Peterson served as a director of the externship program at Gonzaga University, School of Law, from 2002 to 2010. She held several teaching positions at Gonzaga including assistant professor of law from 2007 to 2010, visiting professor of law from 2005 to 2007, and adjunct professor of law from 1999 to 2005. She engaged in private practice in Spokane, Washington, where she held various positions including partner at Rodgers & Peterson LLP, from 1998 to 2002; associate attorney at Powell & Morris LLP, from 1995 to 1997; sole practitioner in 1995; and associate attorney at Grove & Morgan, P.S., from 1993 to 1994. Judge Peterson received her B.A., graduating *cum laude* in 1977 from the University of North Dakota, where she also received her M.A. in 1983. Judge Peterson received her J.D. from the University of North Dakota, School of Law, in 1991. She maintains chambers in Spokane

Judge Richard G. Seeborg was confirmed by the Senate to serve as a district judge for the Northern District of California on December 24, 2009. He received his commission on January 4, 2010. Prior to his appointment, Judge Seeborg had served as a federal magistrate judge for the Northern District of California since 2001. Prior to joining the bench, he engaged in private practice at Morrison & Foerster in Palo Alto, California, as an equity partner from 1998 to 2001 and from 1987 to 1991, and as an associate from 1982 to 1987. He served as an assistant U.S. attorney for the Northern District of California from 1991 to 1998. Judge Seeborg received his B.A. from Yale College in 1978 and his J.D. from Columbia University, School of Law, in 1981. Following law school, he clerked for the late District Judge John H. Pratt of the U.S. District Court for the District of Columbia from 1981 to 1982. Judge Seeborg maintains chambers in San Francisco.

District Judges continued

Judge Josephine S. Tucker was confirmed by the Senate to serve as a district judge for the Central District of California on June 21, 2010. She received her commission on June 22, 2010. Prior to her appointment to the federal bench, Judge Tucker served as an Orange County (California) Superior Court judge, from 2002 to 2010. She engaged in private practice as an associate then partner at Morrison and Foerster in San Francisco from 1987 to 2002. Judge Tucker received her undergraduate degree in 1983 from William Jewell College, where she graduated *summa cum laude*, and her J.D. from Harvard Law School in 1986. She maintains chambers in Santa Ana.

Bankruptcy Judges

Judge Marc Barreca was appointed as a bankruptcy judge for the Western District of Washington on July 13, 2010. Prior to his appointment, Judge Barreca was a partner with the law firm of K & L Gates LLP and had been with the firm since 1987. Prior to joining the firm, he was an associate representing consumer and small business debtors in Chapter 7, 11, and 13 cases from 1985 to 1987. Judge Barreca received his B.A. from the University of Washington in 1977 and his J.D. in 1983 from the University of Washington, School of Law, where he graduated with honors. He maintains chambers in Seattle.

Judge Catherine E. Bauer was appointed as a bankruptcy judge for the Central District of California on February 26, 2010. Prior to her appointment, Judge Bauer served as an assistant U.S. attorney for the Central District of California from 2001 to 2010. She has served on the Central District of California's Bankruptcy Mediation Panel since 1995 and has received recognition for her work as a mediator. She served as a former chair of the Central District's California's Debtor Assistance Project, which she helped form. Judge Bauer received her B.A. from the University of California at Los Angeles in 1982 and her J.D. from the University of Southern California, Gould School of Law, in 1985. She maintains chambers in Riverside.

Judge Stephen L. Johnson was appointed as a bankruptcy judge for the Northern District of California on October 13, 2010. Prior to his appointment, Judge Johnson served as an assistant U.S. attorney for the Northern District of California from 2002 to 2010. He worked as a trial attorney from 1995 to 2002 in the U.S. Trustee's Office in San Francisco, where he litigated consumer and business bankruptcy proceedings. Prior to that, he was an associate at the law firm of Lillick & Charles from 1991 to 1995. Judge Johnson received his B.S. in 1983 from the University of San Francisco, where he graduated with honors and his J.D. in 1989 from the University of California, Hastings College of the Law, where he was a member of the law review. He maintains chambers in San Jose.

Judge Brian D. Lynch was appointed as a bankruptcy judge for the Western District of Washington on May 11, 2010. Prior to his appointment, Judge Lynch served as a Chapter 12 and Chapter 13 trustee in the Portland Division of the U.S. Bankruptcy Court for the District of Oregon from 2004 to 2010. He was a partner from 1978 to 2004 at the Seattle law firm of Bishop, Lynch & White, P.S., where he founded, developed and managed the bankruptcy department while also acting as the primary civil litigation attorney. Judge Lynch received his B.A. from the University of San Francisco in 1972 and his J.D. from Georgetown University Law Center in 1975. He maintains chambers in Tacoma.

Judge Margaret M. Mann was appointed as a bankruptcy judge for the Southern District of California on April 2, 2010. Prior to her appointment, Judge Mann was a partner in the San Diego office of Sheppard Mullin Richter & Hampton LLP, from 2008 to 2010. From 2003 to 2008, Judge Mann was a shareholder in the San Diego office of Heller Ehrman LLP, where she managed the firm's practice group that consisted of 20 attorneys in the United States and China. From 1984 to 2003, Judge Mann was an associate then partner in the San Diego law firm of Luce Forward. She received her B.A. with distinction from the University of Illinois and attended the Tilburg School of Economics, The Netherlands, in 1978. Judge Mann received her J.D. from the University of Southern California, Gould School of Law, in 1981. She maintains chambers in San Diego.

Judge Charles D. Novack was appointed as a bankruptcy judge for the Northern District of California on May 13, 2010. Prior to his appointment, Judge Novack engaged in private practice as a self-practitioner in Oakland, California, from 2005 to 2010. He worked as an associate then shareholder at the law firm of Kornfield, Paul and Nyberg in Oakland from 1994 to 2005. Judge Novack received his B.A. from Rutgers College in 1980 and his J.D. in 1983 from the University of California, Hastings College of the Law, where he graduated *cum laude*. He maintains chambers in San Jose.

Bankruptcy Judges continued

Judge Deborah J. Saltzman was appointed as a bankruptcy judge for the Central District of California on March 18, 2010. Prior to her appointment, Judge Saltzman was an associate with the law firm of DLA Piper from 2008 to 2010; an associate at Hennigan, Bennett & Dorman LLP, from 2006 to 2008; an associate then of counsel at O'Melveny & Myers LLP, from 1996 to 2000 and from 2001 to 2005; and an associate at Klee, Tuchin, Bogdanoff & Stern LLP, from 2000 to 2001. Judge Saltzman received her B.A. from Amherst College in 1991 and her J.D. from the University of Virginia, School of Law, in 1996. She maintains chambers in Riverside.

Judge Ronald H. Sargis was appointed as a bankruptcy judge for the Eastern District of California on January 14, 2010. Prior to his appointment, Judge Sargis was a partner at Hefner, Stark & Marois LLP from 1989 to 2010 and was a managing partner from 1997 to 1998. He had served as the general counsel to the California Association of Collectors, Inc., since 1985. Judge Sargis received his B.A. from Stanford University in 1979 and his J.D. in 1982 from the University of the Pacific, McGeorge School of Law, where he graduated with distinction. He maintains chambers in Modesto.

Magistrate Judges

Judge Laurel Beeler was appointed as a magistrate judge for the Northern District of California on January 4, 2010. Prior to her appointment, Judge Beeler served as an assistant U.S. attorney for the Northern District of California. While at the U.S. Attorney's Office, she served as a professional responsibility officer, deputy chief of the Criminal Division, and major crimes supervisor. Judge Beeler received her A.B. from Bowdoin College, where she graduated with honors, and her J.D. from the University of Washington, School of Law, where she was Order of the Coif and an articles editor of the Washington Law Review. Following law school, she served as a law clerk to the late Circuit Judge Cecil F. Poole of the U.S. Court of Appeals for the Ninth Circuit and was chief of the Civil Appeals Division at the Ninth Circuit Office of Staff Attorneys. She maintains chambers in Oakland.

Judge Jay C. Gandhi was appointed as a magistrate judge for the Central District of California on April 14, 2010. He is only the second Indian-American federal judge in U.S. history, and the first to serve in California. Prior to his appointment, Judge Gandhi was a litigation partner at Paul, Hastings, Janofsky & Walker LLP. He joined the firm in 1998 and became equity partner in 2006. In 2004, he served as a volunteer deputy district attorney with the Orange County (California) District Attorney's office, and was honored in 2010 by the State Bar of California for his commitment to *pro bono* service. Judge Gandhi received his B.A. in 1994 from the California State University at Fullerton, where he graduated with honors, and his J.D. in 1997 from the USC, Gould School of Law, where he graduated Order of the Coif. After law school, Judge Gandhi served as a law clerk for U.S. District Judge Kenneth M. Hoyt of the U.S. District Court for the Southern District of Texas. He maintains chambers in Los Angeles.

Judge Paul S. Grewal was appointed as a magistrate judge for the Northern District of California on December 1, 2010. Judge Grewal engaged in private practice at Day Casebeer Madrid & Batchelder (later Howrey LLP), as a partner and member of the firm's management committee. Judge Grewal received his B.S. from the Massachusetts Institute of Technology, where he was elected to Tau Beta Pi and Sigma Xi honor societies, and J.D. from the University of Chicago Law School. Following law school, Judge Grewal served as a law clerk to District Judge Samuel H. Bell of the U.S. District Court for the Northern District of Ohio. After working on complex commercial litigation at Pillsbury Madison & Sutro, he served as a law clerk to Circuit Judge Arthur J. Gajarsa of the U.S. Court of Appeals for the Federal Circuit. Judge Grewal is a former president of the South Asian Bar of Northern California and the North American South Asian Bar Association. He maintains chambers in San Jose.

Judge Kendall J. Newman was appointed as a magistrate judge for the Eastern District of California on February 8, 2010. Prior to his appointment, Judge Newman served as chief of the Civil Affirmative Section in the Office of the U.S. Attorney for the Eastern District of California, from 2005 to 2010, and worked as an assistant U.S. attorney from 1995 to 2005, and in the Southern District of California from 1990 to 1994. He engaged in private practice as an associate at Gibson, Dunn & Crutcher in San Diego from 1984 to 1990. Judge Newman received his B.S. from Cornell University in 1980 and his J.D. from the College of William and Mary in 1984. He maintains chambers in Sacramento.

Judge Sheila K. Oberto was appointed as a magistrate judge for the Eastern District of California on April 12, 2010. Prior to her appointment, Judge Oberto worked in the Office of the U.S. Attorney for the Eastern District of California, where she held several positions including deputy chief and unit chief from 1990 to 2010. She engaged in private practice as an associate at Baker, Manock & Jensen in Fresno from 1988 to 1989, and as an associate at Irell & Manella in Los Angeles from 1985 to 1987. Judge Oberto received her B.S. from the University of Southern California in 1977; her M.S. from the University of California at Los Angeles in 1979; and her J.D. from USC School of Law in 1985. She maintains chambers in Fresno.

Judge Donna M. Ryu was appointed as a magistrate judge for the Northern District of California on March 1, 2010. Prior to her appointment, Judge Ryu served as a clinical professor of law at the University of California, Hastings College of the Law, from 2002 to 2010, and as an associate professor and associate director of the Women's Employment Rights Clinic at Golden Gate University Law School, from 1998 to 2002. She engaged in private practice as a founding partner of Ryu, Dickey & Larkin in Oakland, California, from 1994 to 1998; as a sole practitioner from 1992 to 1994; as an associate attorney at Saperstein, Seligman, Mayeda & Larkin in Oakland from 1988 to 1992; and as an associate attorney at McCutchen, Doyle, Brown & Enersen in San Francisco from 1986 to 1988. Judge Ryu received her B.A. in 1982 from Yale University, where she graduated with honors and her J.D. in 1986 from U.C. Berkeley, Boalt Hall School of Law, where she was a founder of the *Berkeley Journal of Gender, Law and Justice*. She maintains chambers in Oakland.

Magistrate Judges continued

Judge Michael J. Seng was appointed as a magistrate judge for the Eastern District of California on April 19, 2010. Prior to his appointment, Judge Seng had served as an administrative law judge with the Social Security Administration's Office of Disability Adjudication and Review since 2008. He had practiced civil litigation in Fresno, California, for 30 years. He also taught professional responsibility and civil procedure at San Joaquin College of Law and previously served as special counsel to the California State Bar Court and as judge pro tem with the Fresno County (California) Superior Court. He received his undergraduate degree from the University of Tennessee in 1969 and his J.D. from the University of Tennessee, College of Law, in 1975. His primary chambers are in Yosemite National Park, but he also sits periodically in Fresno.

Judge Bernard G. Skomal was appointed as a magistrate judge for the Southern District of California on April 28, 2010. He earned his J.D. from Suffolk University Law School in 1984 after which he began his career as a criminal defense lawyer at Federal Defenders Inc. of San Diego. In 1989, he engaged in private practice, representing people charged in state court as well as federal court. From 1997 to 1998, Judge Skomal took a sabbatical from private practice to become the assistant public defender of Mendocino County. Judge Skomal taught and lectured at the annual Spanish Trial Skills Academy presented by the Institute for Criminal Defense Advocacy at California Western School of Law. He maintains chambers in San Diego.

Senior Judges

Judge Michael Daly Hawkins was confirmed by the Senate to serve as a circuit judge for the U.S. Court of Appeals for the Ninth Circuit on September 14, 1994, and received his commission on September 15, 1994. He assumed senior status on February 12, 2010. Prior to his appointment to the appellate bench, Judge Hawkins engaged in private practice in Phoenix, Arizona, from 1980 to 1994 and from 1973 to 1976. He served as a special prosecutor, The Navajo Nation, from 1985 to 1989 and as a U.S. attorney for the District of Arizona from 1977 to 1980. Judge Hawkins received his B.A. from Arizona State University in 1967; his J.D. from ASU School of Law in 1970; and his LL.M. from the University of Virginia, School of Law, in 1998. Judge Hawkins entered active duty as a private in the U.S. Marine Corps in 1970 and released as a captain in 1973. He maintains chambers in Phoenix.

Judge Andrew J. Kleinfeld was confirmed by the Senate to serve as a circuit judge for the U.S. Court of Appeals for the Ninth Circuit on September 12, 1991, and received his commission on September 16, 1991. He assumed senior status on June 12, 2010. Prior to his appointment to the appellate bench, Judge Kleinfeld served as a federal district judge for the District of Alaska from 1986 to 1991. He engaged in private practice in Fairbanks, Alaska, from 1971 to 1986. Judge Kleinfeld served as a federal magistrate judge for the District of Alaska from 1971 to 1974. He received his B.A. from Wesleyan University in 1966 and his J.D. from Harvard Law School in 1969. Following law school, he clerked for the late Justice J.A. Rabinowitz of the Alaska Supreme Court from 1969 to 1971. He maintains chambers in Fairbanks.

Judge Jeffrey T. Miller was confirmed by the Senate to serve as a district judge for the Southern District of California on May 23, 1997, and received his commission on May 27, 1997. He assumed senior status on June 6, 2010. Prior to his appointment to the federal bench, Judge Miller served as a San Diego County (California) Superior Court judge, from 1987 to 1997. He worked as a deputy state attorney general, State of California, from 1968 to 1987. Judge Miller received his B.A. from the University of California at Los Angeles in 1964 and his J.D. from the UCLA School of Law in 1967. He maintains chambers in San Diego.

Judge Thomas J. Whelan was confirmed by the Senate to serve as a district judge for the Southern District of California on October 21, 1998, and received his commission on October 22, 1998. He assumed senior status on August 15, 2010. Prior to his appointment to the federal bench, Judge Whelan served as a San Diego County (California) Superior Court judge, from 1990 to 1998. He worked previously as a deputy district attorney in San Diego, from 1969 to 1989, and as a contracts administrator, planner, and estimator for General Dynamics Corporation, from 1961 to 1969. Judge Whelan received his B.A. from the University of San Diego in 1961 and his J.D. from the USD School of Law in 1965. He maintains chambers in San Diego.

Judge Frank R. Zapata was confirmed by the Senate to serve as a district judge for the District of Arizona on July 31, 1996, and received his commission on August 1, 1996. He assumed senior status on August 3, 2010. Prior to his appointment to the bench, Judge Zapata was an assistant adjunct professor at the University of Arizona, College of Law, from 1988 to 1990. He served as a chief assistant federal public defender for the District of Arizona from 1984 to 1994 and as an assistant federal public defender from 1974 to 1984. Judge Zapata began his legal career working as a staff attorney, Pima County (Arizona) Legal Aid Society, from 1973 to 1974. He received his B.A. from the University of Arizona in 1966 and his J.D. from the UA College of Law in 1973. He maintains chambers in Tucson.

In Memoriam

Judge Franklin D. Burgess, 75, a district judge of the U.S. District Court for the Western District of Washington, died on March 26, 2010. Nominated by President Clinton, Judge Burgess was confirmed by the Senate on March 25, 1994, and received his commission on March 28, 1994. Judge Burgess assumed senior status on March 9, 2005. He served as a federal magistrate judge for the Western District of Washington, from 1981 to 1993. Prior to coming onto the bench, he was a regional counsel at the Department of Housing and Urban Development in Seattle from 1980 to 1981. He served as judge pro tem on the Pierce County (Washington) Municipal Court and District Court from 1971 to 1980. Judge Burgess engaged in private practice in Tacoma, Washington, from 1969 to 1980. He was an assistant city attorney, City of Tacoma, Washington, from 1967 to 1969. Judge Burgess received his B.A. from Gonzaga University in 1961 and his J.D. from Gonzaga University, School of Law, in 1966. Judge Burgess is survived by his wife, Treava; children, Cheryl, Carole, Steven, Frava, and Whittney; eight brothers and sisters; three grandchildren and numerous great-grandchildren.

Judge Florence-Marie Cooper, 69, a district judge of the U.S. District Court for the Central District of California, died on January 15, 2010. Nominated by President Clinton, Judge Cooper was confirmed by the Senate on November 10, 1999, and received her commission on November 15, 1999. Prior to coming onto the federal bench, she served as a judge of the Los Angeles County (California) Superior Court, from 1991 to 1999, and Municipal Court, from 1990 to 1991; and as a court commissioner of the Los Angeles (California) Superior Court, from 1983 to 1990. Judge Cooper was an adjunct professor, San Fernando Valley College, School of Law, from 1980 to 1985. She was a senior research attorney for Justice Arleigh M. Woods, California Court of Appeal, from 1980 to 1983 and was a senior research attorney for Ninth Circuit Senior Judge Arthur Alarcón then justice, California Court of Appeal, from 1978 to 1980. Before becoming a deputy city attorney for the City of Los Angeles in 1977, Judge Cooper served as a law clerk from 1975 to 1977 to Judge Alarcón, who was then sitting in the appellate department of the Los Angeles Superior Court. Judge Cooper attended City College of San Francisco in 1971 and received her J.D., graduating *cum laude*, from Beverly Law School (now Whittier Law School), in 1975. Judge Cooper is survived by her husband, Les Peckins; children, Joseph and Karen; stepchildren, Angela and Christopher; five grandchildren; and sister, Maureen.

Judge Myron D. Crocker, 94, a retired district judge of the U.S. District Court for the Eastern District of California, died on February 2, 2010. Nominated by President Eisenhower to serve on the U.S. District Court for the Southern District of California, Judge Crocker was confirmed by the Senate on September 14, 1959, and received his commission on Sept. 21, 1959. His service was terminated following reassignment on September 18, 1966 to the U.S. District Court for the Eastern District of California, where he served as chief district judge from 1966 to 1967. Judge Crocker assumed senior status on January 1, 1981. Prior to his appointment to the federal bench, Judge Crocker served as a Madera County (California) Superior Court judge, from 1958 to 1959 and as a judge on the Chowchilla Justice Courthouse Division from 1952 to 1958. He was an assistant district attorney, Madera County, from 1946 to 1951. Judge Crocker engaged in private practice in Chowchilla, California, from 1946 to 1958 and served as a special agent, Federal Bureau of Investigation, from 1940 to 1946. Judge Crocker received his A.B. from Fresno State College in 1937 and his LL.B. from the University of California at Berkeley, Boalt Hall School of Law, in 1940. Judge Crocker is survived by his children Glenn and Holly, and eight grandchildren and great-grandchildren. His wife, Elaine, died July 2009.

Judge Cristobal Camacho Duenas, 89, a retired district judge of the U.S. District Court for the District of Guam, died on February 14, 2010. He was nominated by President Nixon in September 1969 and was sworn into office on December 24, 1969. He was nominated for a second term by President Carter in 1978, and the enactment of Public Law 98-454 extended his term another two years, making his second appointment a 10-year term, expiring May 1988. Prior to coming onto the federal bench, Judge Duenas served as a judge of the Island Court of Guam, from 1960 to 1969; director of the Department of Land Management, from 1957 to 1960; and as an assistant attorney general for Guam, from 1952 to 1957. Judge Duenas received his A.B. from the University of Michigan in 1950 and his J.D. from the University of Michigan Law School in 1952. He is survived by his wife, Juanita, and his children, Christopher Joseph, David Gerard, Joanna, Ricardo Luis, Therese Ann, Vincent Edward and Zerlina Maria.

Judge Robert L. Hughes, 84, a retired bankruptcy judge of the U.S. District Court for the Northern District of California, died on March 11, 2010. He was appointed to the court on November 21, 1968, and retired in 1984. Active in judicial governance at the regional and national levels, Judge Hughes was a member of the Committee on Bankruptcy of the Judicial Conference of the United States, from 1979 to 1984; the first administrative judge of the Ninth Circuit Bankruptcy Appellate Panel, from 1979 to 1983; and a member of the Advisory Committee to the director of the Administrative Office of the U.S. Courts from 1979 to 1981. He was president of the National Conference of Bankruptcy Judges from 1980 to 1981.

Prior to coming onto the bench, he engaged in private practice in Oakland, California, from 1958 to 1968, and worked as a reporter and as an assistant sports editor for the San Francisco Chronicle, from 1949 to 1959. Judge Hughes received his B.A. from the University of California at Berkeley in 1948 and his LL.B. from the University of California, Hastings College of the Law, in 1957. Judge Hughes is survived by his wife, Joan; six children, Mark, Bret, John, Dana, Kent, and Erin; brother, Bill; and 12 grandchildren.

Judge Samuel P. King, 94, a senior district judge of the U.S. District Court for the District of Hawaii, died on December 7, 2010. Nominated by President Nixon, Judge King was confirmed by the Senate and received his commission on June 28, 1972. He served as chief district judge from 1974 to 1984 and assumed senior status on November 30, 1984. Prior to his appointment, Judge King engaged in private practice in Honolulu, Hawaii, from 1970 to 1972. He served as a judge, Family Court of Hawaii, from 1966 to 1970; judge, First Circuit of Hawaii, from 1961 to 1970; and as a district magistrate, City and County of Honolulu, from 1956 to 1961. Judge King received his B.S. from Yale University in 1937 and his LL.B. from Yale Law School in 1940. Following law school, he engaged in private practice in Honolulu from 1941 to 1942 and in Washington, D.C., in 1942. He served in the Navy from 1942 to 1946 and the Naval Reserve from 1946 to 1967. Judge King is survived by his wife, Anne; three children, Samuel P. King, Jr., Louise and Becky; six grandchildren; and sister, Pauline.

Judge Howard B. Turrentine, 96, a senior district judge of the U.S. District Court for the Southern District of California, died on August 20, 2010. Nominated by President Nixon, Judge Turrentine was confirmed by the Senate on April 23, 1970, and received his commission on April 24, 1970. He served as chief district judge from 1982 to 1984 and assumed senior status on January 22, 1984. Prior to his appointment to the federal bench, Judge Turrentine served as a San Diego County (California) Superior Court judge, from 1968 to 1970, and was in private practice in San Diego from 1945 to 1968. A veteran of World War II, he served in the Navy from 1941 to 1945, leaving the service at the rank of lieutenant commander. Judge Turrentine received his A.B. from San Diego State College in 1936 and his LL.B. from the University of Southern California, School of Law, in 1939. Following law school, he engaged in private practice in San Diego from 1939 to 1941. Judge Turrentine is survived by his wife, Marlene, and two children.

Circuit Highlights

Ninth Circuit Efforts Spark Renewed Interest in Cameras in the Courtroom

The Ninth Circuit has sought to expand the use of cameras in the courtroom as a means of increasing public understanding of judicial processes and confidence in the rule of law. In 2010, this effort included promoting pilot programs that would allow limited use of cameras in federal trial courts, and offering remote viewing of high-profile proceedings of the Ninth Circuit Court of Appeals, including important cases heard by *en banc* courts.

Cameras in the Trial Courts

Opening federal trial courts to cameras was the aim of separate pilot programs authorized by the Judicial Council of the Ninth Circuit in December 2009, and by the Judicial Conference of the United States in September 2010. The Ninth Circuit program is currently being held in abeyance pending the outcome of the national pilot program, which will begin in 2011. Judges from several district courts within the Ninth Circuit are expected to participate.

The national program, which will be overseen by the JCUS Committee for Court Administration and Case Management and the Federal Judicial Center, is envisioned as a three-year experiment involving as many as 150 individual judges from across the country. It would be limited to civil cases in which both parties agree to camera coverage. Jury trials would be included, although images of jurors may not be recorded.

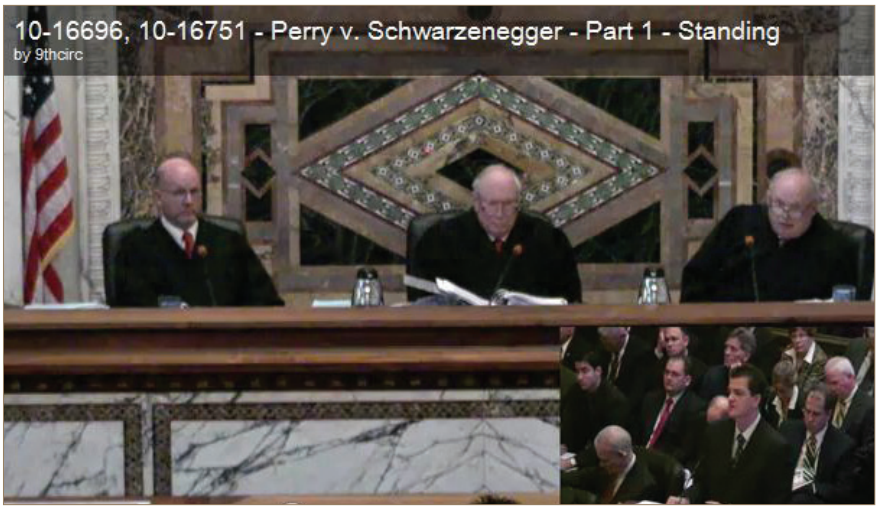
Under the national program, courts would record proceedings, rather than the media. The recordings would be converted to electronic files and uploaded to an Internet repository for viewing and possibly downloading by the public. Where possible, courts would use existing equipment to help reduce costs. The process of selecting judges for the pilot program is now under way.

The groundwork laid for the Ninth Circuit program included preparation of a model local rule to allow cameras and suggested guidelines for their use by the media. The Northern District of California and the Western District of Washington have amended their local rules to allow cameras under either a national or circuit program. Rule changes are being considered by several other courts in the circuit.

Cameras at the Court of Appeals

Cameras were first allowed by the Ninth Circuit Court of Appeals in 1991 as part of an earlier national pilot program. Since then, the court has granted media requests for camera access to oral arguments in some 255 cases. In 2010, camera access was granted 18 times, including two high-profile cases heard late in the year at the James R. Browning U.S. Courthouse in San Francisco:

• *USA v. State of Arizona*, heard November 1, involving the constitutionality of an Arizona law requiring state and local law enforcement officers to check immigration status and arrest suspected illegal immigrants. Portions



Left: The Perry panel included, from left, Senior Circuit Judge Michael Daly Hawkins of Phoenix, Circuit Judge Stephen Reinhardt of Los Angeles, and Circuit Judge N. Randy Smith of Pocatello, Idaho. Right: The Circuit Library was used for press conferences by the parties and as a media workroom for reporters covering the proceeding.

of the law were held unconstitutional by the federal district court in Arizona, prompting an appeal by Arizona Gov. Jan Brewer.

• *Perry v. Schwarzenegger*, heard December 6, involved a challenge to a California law declaring marriage to be a union of one man and one woman, thereby prohibiting marriage by same sex partners. Enacted by a voter initiative, Proposition 8, the law was ruled unconstitutional by a lower federal court in California, leading to an appeal by proponents of the ballot measure.

C-SPAN broadcast both cases live and operated a video pool for other media organizations. The *Perry* case, in particular, drew worldwide attention with the court receiving dozens of requests for live and recorded audio and video broadcasting, Internet streaming, and still photography. A number of newspapers used the C-SPAN feed on their websites and public radio also broadcast the argument live.

En Banc Proceedings

En banc courts, comprised of a panel of 11 judges rather than the usual three, are used to resolve intra-circuit conflicts or other legal questions of exceptional importance. Each year, the court typically receives more than 1,000 petitions seeking *en banc* review and grants only about 20 requests. *En banc* courts are convened quarterly to hear such cases, alternating between the James R. Browning U.S. Courthouse in San Francisco and the Richard H. Chambers Courthouse in Pasadena, California.

Except for those proceedings in which the media has been granted camera access, *en banc* courts could only be observed by being in the courtroom or by watching a live audio/video feed displayed in an overflow viewing room elsewhere in the courthouse. That changed in March 2010, when the court began distributing a live audio/video stream to remote viewing locations in other Ninth Circuit courthouses. Thus a proceeding taking place in Pasadena could be watched at courthouses in San Francisco, Portland and Seattle, and from San Francisco to Pasadena, Portland and Seattle.

The court uses its own cameras and equipment to distribute the audio/video feed to remote viewing areas and to convert recordings into electronic files that can be viewed from the court's website. These cameras were upgraded in late 2009 to provide high definition images and sound.

The opportunity to watch proceedings live from remote locations and to view recordings of proceedings online has been welcomed by the public, particularly the media.

Cameras Create Educational Opportunity

Live cable television broadcasts and realtime video streaming over the Internet enabled law students

across the country to watch oral arguments in high-profile cases before the Ninth Circuit Court of Appeals. More than a dozen of the nation's most prominent law schools set up viewing areas for student to watch arguments in *USA v. State of Arizona* and *Perry v. Schwarzenegger*. Participating institutions included New York University School of Law; Yale Law School; Harvard Law School; the Georgetown University Law Center; the University of Virginia School of Law; the University of Chicago Law School; Northwestern University Law School; the University of Texas School of Law; the Sandra Day O'Connor College of Law at Arizona State University; the James E. Rogers College of Law at the University of Arizona; Stanford Law School; and the University of California at Los Angeles School of Law.

Circuit Committee Promotes Pilot Program

The Ninth Circuit Public Information and Community Outreach (PICO) Committee helped to promote the pilot programs for cameras in the courtroom with a special program in November at the William K. Nakamura U.S. Courthouse in Seattle. Held in collaboration with the Bench-Bar-Press Committee of Washington, the luncheon program featured a presentation by Chief District Judge Vaughan Walker of the U.S. District Court for the Northern District of California. Judge Walker presided over the civil bench trial of the *Perry* case and had sought to allow camera coverage, but was overruled by the U.S. Supreme Court. Judge Walker provided a look back at electronic media coverage of other high profile cases.

Standing from left is Chief District Judge Robert S. Lasnik, Western District of Washington, and seated are District Judge Richard A. Jones, Western District of Washington; and Kelli Sager, media attorney and PICO member.

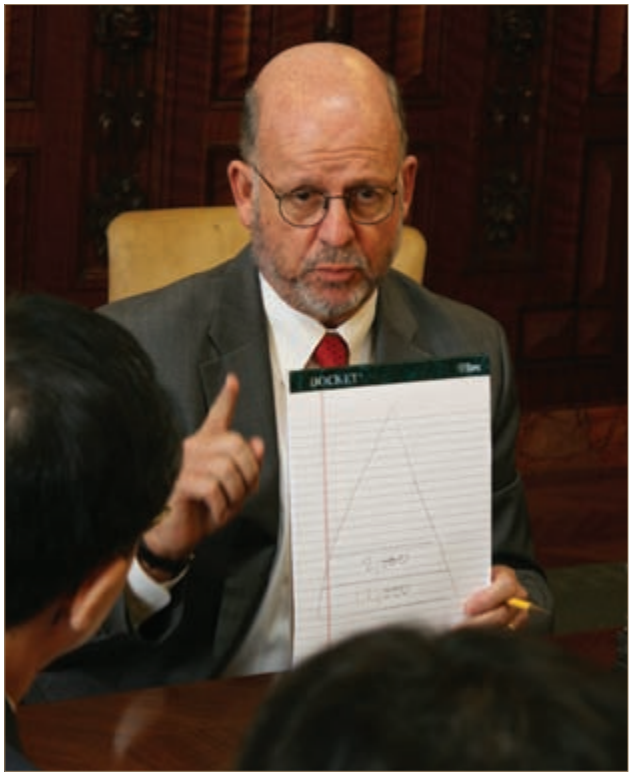
The program also included a panel discussion of Washington's state court experiences, and whether they should allay or stoke the fears of the federal judiciary. Panelists included Chief Judge Robert S. Lasnik and Judge Richard A. Jones of the U.S. District Court for the Western District of Washington; King County (Washington) Superior Court Judge William Downing; and media attorney Kelli Sager, a member of the PICO Committee.

Judicial Visits, Educational Programs Raise Ninth Circuit Profile Overseas

The American legal system attracts interest from around the world. Federal courts in the Ninth Circuit regularly welcome visits by foreign judges and court administrators interested in jurisprudence and court management. Ninth Circuit judges also travel overseas to share their expertise and to promote the rule of law, particularly in developing nations. In addition, the Ninth Circuit is authorized to directly support educational programs for judges and court staff in the U.S. territories and the island nations of the Pacific. Ninth Circuit judges and staff were involved in several noteworthy international exchanges in 2010.

Rule of Law Takes Root in Chinese Law Schools

Judge Diarmuid F. O'Scannlain of the United States Court of Appeals for the Ninth Circuit traveled to the Chinese capital of Beijing in early March to serve as a judge for a preliminary round of the 51st Philip C. Jessup International Law Moot Court Competition. The Jessup contest is the world's largest moot court competition boasting participants from more than 500 laws schools in more than 80 countries. Finals were held March 21-27 in Washington, D.C., with a team from the Australian National University selected the 2010 winner.



The Chinese national competition held March 1-4 at Beijing's Renmin University of China Law School featured close to 100 teams drawn from 34 Chinese law schools. They competed against one another, presenting oral and written pleadings related to a hypothetical legal dispute between nations being heard by the International Court of Justice at the United Nations. Four finalists were chosen with the judging done by jurists from China, the U.S., Australia, the United Kingdom and Romania.

Judge O'Scannlain recalls being impressed with the Chinese law students, who spoke English in arguing their cases and ably presented complex legal concepts and issues of law. But the judge's most lasting memories of the trip were provided by the many young law students he met at various events, including a talk to a class at another Beijing law school at Tsinghua University and after a speech he gave at a forum held in his honor by the Renmin law school.

"There is a real thirst for the rule of law coming out of the Chinese law schools. I think they are really looking for courts that are truly independent," he said of the students.

Judge O'Scannlain, who has his chambers in Portland, Oregon, has served on the Committee on International Judicial Relations of the Judicial Conference of the United States since 2009. In October 2010, he was selected to chair the committee by Chief Justice John G. Roberts, Jr., of the Supreme Court of the United States.

Left: Senior Circuit Judge Michael Daly Hawkins of Phoenix met with the Korean judges and gave an overview of the appellate review process.

Over: South Korean judges gathered in the Redwood Room with Judge Hawkins to learn about appellate practices.

The Committee on International Judicial Relations helps establish and expand the rule of law throughout the world. It was formed in 1993 to respond to increasing demand from newly emerging democracies and developing countries for information about judicial independence, legal traditions and effective court administration in the United States. The committee is currently involved in activities in Africa, Asia and the Pacific Basin, Latin America and the Caribbean, the Middle East, Europe, and Eurasia.

In addition to its own initiatives, the committee works with executive branch agencies, including the State Department, the Agency for International Development and the Department of Justice, and with other organizations, among them the World Bank, the Federal Judicial Center and the Library of Congress.

Ninth Circuit judges who have previously served as chair of the committee were the late Senior Circuit Judge Cynthia Holcomb Hall of Pasadena and former District Judge Fern M. Smith of San Francisco.

Korean Delegation Visits Court of Appeals

In August, the Ninth Circuit welcomed eight judges from the Republic of Korea to the James R. Browning U.S. Courthouse in San Francisco, California. Senior Circuit Judge Michael Daly Hawkins of Phoenix served as official host for the visit, meeting with the group in the courthouse's famed Redwood Room to discuss the appellate process and answer questions posed by the judges.

The Korean judges asked about the caseloads carried by judges, including the difference in workload for active and senior judges, and the employment process for law clerks. Also discussed were the different stages of the judicial process; oral arguments; the court's electronic case filing system; and sentencing guidelines in federal trial courts.

Also participating in the briefing were supervising staff attorney Paul Keller, circuit mediators Stephen Liacouras and Peter Sherwood, and staff attorney Kathleen Butterfield, who regularly conducts courthouse tours for visiting dignitaries.

The Korean delegation was led by Chief Judge Wook-seo Koo, Seoul High Court, and included Presiding Judge Hee-De Jo, Civil Division, Seoul High Court; Presiding Judge In-wook Kim, Criminal Division, Seoul High Court; Presiding Judge Chung-Jeong Ko, Seoul Central District Court; Presiding Judge Jong-gu Yoon, Suwon District Court; Judge Hyun-moo Maeng, Uijeongbu District Court; Judge Gap-seok Kim, Incheon District Court; and Judge Jong-chan Won, Seoul Southern District Court.

19th Pacific Regional Judicial Conference

For almost three decades, Ninth Circuit judges and court staff have contributed to the development of the law in the western Pacific through educational programs and judicial visits. The most recent of these events were the 19th Pacific Regional Judicial Conference and the Pacific Asia Judges' Science and Technology Seminar, held November 7-12 in Hagatna, Guam.

More than 45 judges and justices from various island nations participated. Represented at the conference were the U.S. Territory of Guam and the Commonwealth of the Northern Mariana Islands, both within the jurisdiction of the Ninth Circuit; the commonwealths of Australia and New Zealand; the Federated States of Micronesia (Chuuk, Kosrae, Pohnpei and Yap); the U.S. Territory of American Samoa; the Solomon Islands; the republics of Palau and Vanuatu; and the State of Brunei. The conference was hosted by the judiciary of Guam and chaired by Chief Justice Robert J. Torres, Jr., of the Supreme Court of Guam.

The conference focused on the interplay of local customs and legal traditions with the well-defined principles and structure of Western law. The program included presentations on alternative dispute resolution; differing models of judicial independence in the Pacific; and the tension between individual and group rights. The gathering also provided an opportunity for chief justices of the various island communities to interact and develop relationships with one another.

Circuit Judge Richard R. Clifton addresses the Pacific Regional Judicial Conference.

The science and technology seminar provided judges with an introduction to scientific study of criminal psychopaths; evaluation of scientific evidence; the neurobiology of addiction; cybercrime and computer forensics; the structure and function of DNA; and other topics.

Also participating in the conference were members of the Ninth Circuit's Pacific Islands Committee, including its chair, Senior District Judge Consuelo B. Marshall of the Central District of California, Circuit Judge Richard R. Clifton of Honolulu, Chief District Judge Frances Marie Tydingco-Gatewood of the District of Guam, and District Judge Patrick J. Walsh of the Central District of California. Ninth Circuit staff support was provided by Assistant Circuit Executive Renée Lorda and education specialist Sally Pym.

The Ninth Circuit has had a major role in organizing the conferences, which are held biennially at different locations in the western Pacific. The first conference, held in 1972 in Samoa, was the brainchild of the chief justices of American Samoa and what was then known as Western Samoa, and the chief judge of the Ninth Circuit, the late Richard H. Chambers. The work has been carried on by Judge Chambers' successors, most notably Chief Judge Emeritus J. Clifford Wallace, and by the Pacific Islands Committee, which was established in 1991.

Annual Conference Offers Varied Program for Bench, Bar

The 2010 Ninth Circuit Judicial Conference, held August 16-19 in Maui, Hawaii, drew nearly 700 judges, attorneys, court staff and special guests, including Justice Anthony M. Kennedy of the Supreme Court of the United States.

The conference is held annually pursuant to Section 333 of Title 28 of the U.S. Code for "the purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit."

Ninth Circuit Chief Judge Alex Kozinski welcomed attendees to the annual event, which was last held in Maui in 1995. Chief District Judge Irma E. Gonzalez of the Southern District of California presided over the conference as chair of the Conference Executive Committee, while Circuit Judge N. Randy Smith of Pocatello, Idaho, served as program chair.

Structured around the theme "Justice and Beyond: Stresses and Timely Strategies," the conference included programs on improving the administration of justice, trying alleged terrorists, the challenges posed by *pro se* (self-represented) litigants, case management issues, early resolution of disputes, and the effect on the administration of justice of the economic downturn in the legal field.

In "Trying Alleged Terrorists: Constitutional and Practical Problems in Article III Courts and Military Tribunals," panelists discussed evidentiary issues, courtroom security, confrontation issues, jury management, and media and public access. The panel included three key participants in the trial of accused 9/11 terrorist Zacarias Moussaoui: District Judge Leonie M. Brinkema who presided over the case in the U.S. District Court for the Eastern District of Virginia; Robert Spencer, the former U.S. Attorney who prosecuted the case, and attorney Edward B. MacMahon, Jr., who defended Moussaoui. Also sitting with the panel was Professor Elizabeth I. Hillman, University of California, Hastings College of the Law, while Professor Jack Landman Goldsmith, Henry L. Shattuck Professor of Law, Harvard Law School, moderated.

In the "Justice and the Unrepresented: Managing the Caseload" session, panel members discussed procedural and substantive challenges posed by *pro se* litigants. Panelists included Senior District Judge Marvin E. Aspen, Northern District of Illinois; District Judge A. Howard Matz, Central District of California; James J. Brosnahan, Esq., Morrison & Foerster, LLP; and Professor D. James Greiner, Harvard Law School. Kathleen M. Sullivan, Esq., of Quinn Emanuel Urquhart & Sullivan, moderated the panel. The session ended with remarks by Laurence H. Tribe, famed Harvard law professor, constitutional scholar and recent presidential appointee to the U.S. Department of Justice, where he serves as a senior counselor for access to justice issues.

Ninth Circuit Chief Judge Alex Kozinski speaks at the opening of the Ninth Circuit Judicial Conference.

The "Breakfast with the Bench" session featured practical tips for judges and lawyers on resolving disputes early in the adjudicative process, managing costs and delays of litigation, and employing techniques to cope with case management issues facing judges. Speakers included Chief District Judge B. Lynn Winmill, District of Idaho; Chief Bankruptcy Judge Randall J. Newsome, Northern District of California; Magistrate Judge Anthony J. Battaglia, Southern District of California; Magistrate Judge Nita L. Stormes, Southern District of California; and Steven B. Andersen, Esq., lawyer representative, District of Idaho. District Judge Susan R. Bolton of the District of Arizona served as moderator.

The "Economic Change in the Legal Profession and Its Impact on the Courts" session focused on economic changes in private legal practice, technology, and budget concerns affecting all parties. Panelists included Professor Jeffrey D. Bauman, co-director, Center for Study of the Legal Profession, Georgetown University Law Center; Mark Chandler, senior vice president, general counsel and secretary, CISCO Systems, Inc.; Mary C. McQueen, president, National Center for State Courts; and William J. Perlstein, co-managing partner, Wilmer Hale. Roberta Reiff Katz, vice provost at Stanford University, moderated the panel.

The "Conversation with the Justice" segment, a highlight of the final day of the conference, featured remarks by Justice Kennedy with a follow-up conversation with Judge Gonzalez and attorney Robbin L. Itkin, chair of the Ninth Circuit's Lawyer Representatives Coordinating Committee. Topics included literature portraying the law with Justice Kennedy offering a list of top 10 books every lawyer should read.

In addition to the general sessions, the conference included various business meetings and smaller educational programs, including a review of recent Supreme Court cases and a look at the General Motors and Chrysler bankruptcy proceedings.

Awards Recognize Leadership, Achievement by Bench, Bar and Academia

Federal judges from California and Nevada, along with an Idaho attorney and the University of Washington, School of Law, were honored with awards during the 2010 Ninth Circuit Judicial Conference.

American Inns of Court Professionalism Award

Senior District Judge Howard D. McKibben of the United States District Court for the District of Nevada received the prestigious Ninth Circuit Professionalism Award from the American Inns of Court. The award is given annually to a senior practicing judge or lawyer "whose life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession."

Judge McKibben, who maintains chambers in Reno, has helped establish two American Inns of Court in Nevada, one of which is now named in his honor. In nominating him for the award, colleagues remarked upon his integrity, intellect, generosity and collegiality.

Judge McKibben was nominated to the federal bench by President Reagan and confirmed by the Senate in 1984. He served as chief judge of the district court from 1997 to 2002 and took senior status in 2005. Prior to coming onto the federal bench, he had served as a judge of the Nevada Ninth Judicial District Court from 1977 to 1984, and as the Douglas County (Nevada) district attorney from 1971 to 1977 and deputy district attorney from 1969 to 1971. He received a B.S. from Bradley University in 1962, an M.P.A. from the University of Pittsburgh in 1964, and a J.D. from the University of Michigan Law School in 1967.

ADR Lifetime Achievement Award

Senior Circuit Judge Dorothy W. Nelson of the U.S. Court of Appeals for the Ninth Circuit received a special Lifetime Achievement Award for her tireless efforts to promote use of alternative dispute resolution methods to resolve conflicts prior to court.

Judge Nelson was nominated to the U.S. Court of Appeals for the Ninth Circuit by President Carter and confirmed by the Senate in 1979. She assumed senior status in 1995 but continues to hear cases and serve on circuit committees. Prior to coming onto the federal bench, she had served for more than two decades on the faculty of the University of Southern California Law School, culminating in her appointment as dean from 1969 to 1980. She received her A.B. from the University

Pictured from left are Senior District Judge Howard D. McKibben of Reno, Nevada, received the 2010 Ninth Circuit Professionalism Award from the American Inns of Court presented by Circuit Judge Mary M. Schroeder. Middle: Senior Circuit Judge Dorothy W. Nelson of Pasadena, California, received an ADR Special Lifetime Award presented by Magistrate Judge Valerie P. Cooke, ADR Committee chair. Right: Attorney Larry Westberg of Boise, Idaho, received the 2010 John P. Frank Award presented by Circuit Judge N.

of California at Los Angeles in 1950, her J.D. from the UCLA School of Law in 1953, and her LL.M. from the USC Law School in 1956.

Until stepping down as chair in October 2009, Judge Nelson had led the Ninth Circuit ADR Committee since its inception in December 1997. Under her direction, the committee developed an array of ADR tools, including a guidebook, a comprehensive model local rule for district courts, and no fewer than seven educational programs.

In addition to her work with the courts, Judge Nelson also founded the Western Justice Center in Pasadena, California, a nonprofit research and development organization dedicated to improving justice and replicating new conflict resolution methods.

John P. Frank Award

Attorney Paul "Larry" Westberg of Boise, Idaho, received the John P. Frank Award, which recognizes an outstanding lawyer practicing in the federal courts of the western United States. Mr. Westberg, a partner in the law firm of Westberg McCabe & Collins, is widely regarded as one of Idaho's top criminal defense lawyers and also practices general litigation. His career spans four decades and includes service as a federal prosecutor in the Office of the U.S. Attorney for the District of Idaho. He is admitted to practice before the Idaho federal district court, the U.S. Court of Appeals for the Ninth Circuit, and the Supreme Court of the United States.

Long active in efforts to improve the bar and the judicial system, Mr. Westberg served as a director of the Federal Defenders of Eastern Washington and was the incorporator and first president of the Federal Defenders Services of Idaho, Inc. He is a founding member of the Idaho Association of Criminal Defense Attorneys and the National Association of Criminal Defense Attorneys. He also was instrumental in organizing the Idaho chapter of the Federal Bar Association, served as its first president, and represented it to the National Federal Bar Association.

ADR Education Award

The University of Washington School of Law received the Ninth Circuit ADR Education Award, recognizing institutions which have advanced ADR scholarship and research. The UW School of Law has thoroughly integrated alternative dispute resolution into its educational program, from basic curriculum through advanced courses. Among its J.D. graduates, 50 percent have taken basic negotiations or an ADR survey course, and more than 25 percent were enrolled in a more specialized, related course offering. Beyond the classroom, the school offers ADR clinical programs, including a Mediation Clinic that provides intensive training, followed by actual mediation of small claims, landlord-tenant, workplace and consumer-merchant disputes, and inter-personal conflicts.

Courts Participate in Disaster Planning Exercise

Nearly 200 local, state and federal government officials gathered in March 2010 in San Francisco to consider how their organizations would continue to function following a "dirty bomb" explosion in a large urban setting.

Audience made up of local, state and federal government officials gathered to discuss COOP and take part in a "dirty bomb" exercise. Laudan Batino, Ninth Circuit COOP coordinator, at left, opened the conference.

The chilling hypothetical exercise was a key part of the San Francisco Bay Area Federal Executive Board's Continuity of Operations Planning (COOP) Conference held at the new Federal Building in San Francisco. A number of federal courts throughout the Ninth Circuit were represented at the conference.

Federal Executive Boards (FEBs) are responsible for integrating the responses of various agencies at different stages of an emergency. The boards communicate and coordinate with the Federal Emergency Management Agency (FEMA), the Department of Energy (DOE), and the Department of Defense in the event of a major catastrophe. Federal courts in the Ninth Circuit have representatives on FEBs in Hawaii, Los Angeles, San Francisco, and Washington State.

Laudan Batino, the Ninth Circuit's coordinator for COOP assistance served as master of ceremonies and facilitated the event. John P. Leonard, 2010 chair of the San Francisco FEB, welcomed the attendees to the half-day event, which included a "tabletop" exercise on the effects of a radiological dispersion device (RDD), or "dirty bomb." Experts in the field included representatives from the DOE's Radiological Assistance Program based at the Lawrence Livermore Laboratory in Livermore, California.

Participants were divided into eight groups to cover four scenarios in which potentially deadly radioactive materials are released by an RDD. Groups utilized a checklist to determine whether their agency's COOP plan addressed such situations. Among the lessons learned and discussed at end of the exercise was the critical need for good communications.

Court representatives also received updates on the Infoweb Emergency Notification System (ENS) and the Administrative Office of the U.S. Courts' Judiciary Emergency Response Team (JERT); COOP training opportunities; new guide to judiciary on emergency preparedness; a new COOP Plan format from FEMA; and advances in radio communications.

Pro Se Conference Addresses Challenges Posed by Self-Represented Litigants

Held September 23-24 in Portland, Oregon, the annual *Pro Se* Conference drew nearly 100 participants from 15 district courts, one bankruptcy court, and the Ninth Circuit Court of Appeals. Sponsored by the Ninth Circuit *Pro Se* Committee, participants included pro se law clerks, judges, and other court staff.

Seated from left to right are Magistrate Judges Barry M. Kurren, District of Hawaii, and James P. Donohue, Pro Se Committee Chair, Western District of Washington; and Senior Circuit Judge Edward Leavy of Portland, Oregon.

Magistrate Judge James P. Donohue of the Western District of Washington and chair of the *Pro Se* Committee, gave opening remarks and thanked all who are involved in working on the front lines of *pro se* litigation. He provided an overview of the program and noted that more legal substantive sessions were added in response to feedback received from previous conferences.

Senior Circuit Judge Edward Leavy of Portland, Oregon, welcomed the attendees. He emphasized the importance of the work *pro se* law clerks provide to the courts and expressed his appreciation on behalf of the Ninth Circuit.

Legal substantive sessions included a Supreme Court Review by Erwin Chermerinsky, dean and distinguished professor of law, University of California at Irvine, School of Law; a session on the impact of *Ashcroft v. Iqbal* in section 1983 litigation by Alexander A. Reinert, associate professor of law, Cardozo School of Law; and a discussion of First Amendment issues and of the Religious Land Use and Institutionalized Persons Act (RLUIPA) by Stewart Jay, professor of law and William L. Dwyer Chair in Law, University of Washington, School of Law.

Several panel discussions were led by national and circuit experts. The panel on "Working with Mentally Ill Litigants" discussed the types of challenges faced by prisoners suffering from mental illness and on how to effectively deal with these challenges. Panelists included Dr. Jeffrey Metzner, clinical professor, University of Colorado at Denver, School of Medicine, and Dr. Don Lewis, chief of psychiatry, Federal Bureau of Prisons.

The panel on "National Pro Se Efforts" focused on best practices in *pro bono* programs and self-help centers in federal courts. Panelists included representatives from the Central, Eastern, and Northern districts of California, and the Northern District of Illinois.

Facilitated by Judge Donohue, "How to Streamline the Initial Review Process" session included a discussion on screening hypotheticals. Participants shared screening tips with other districts, particularly with new *pro se* law clerks.

Judge Donohue and Cynthia Gray, director, Center for Judicial Ethics, American Judicature Society, facilitated a roundtable discussion for judges on how to handle *pro se* litigants in the courtroom and the extent of assistance that can be ethically provided by the court.

Susan Gelmis, supervising attorney, Ninth Circuit Court of Appeals, gave a demonstration of a new website intended to ease communication among *pro se* law clerks. She discussed what district courts can do to help facilitate appellate review, recent Ninth Circuit cases, and other important topics.

The Pro Se Committee consists of Magistrate Judge James P. Donohue, chair, (WAW); District Judge Dale S. Fischer, (CAC); Magistrate Judge Carla Woehrle, (CAC); Bankruptcy Judge Linda B. Riegle, (NV); pro se law clerks, Melissa Hartigan (MT), James K. McKay (AZ), and Sujean Park (CAE); and Yvette Artiga, staff, (OCE).

Ninth Circuit, Justice Kennedy Welcome New Appellate Law Clerks

Remarks by United States Supreme Court Justice Anthony M. Kennedy highlighted the opening day of the annual law clerk orientation program at the United States Court of Appeals for the Ninth Circuit.

The program, held September 22-23, at the James R. Browning U.S. Courthouse in San Francisco, was a major undertaking by the court to familiarize incoming clerks with court organization and operations. The agenda also included ethics training, presentations on the judicial process and discussion of important legal issues. More than 120 clerks attended.

Justice Kennedy, a former judge of the Ninth Circuit Court of Appeals, touched on several topics and recalled some of his experiences on the Ninth Circuit bench, during a 30-minute talk in the atrium of the courthouse law library.

Justice Kennedy told the clerks that every case is important to someone and deserving of their best efforts.

"You have to find the energy and concentration to go through these cases," he said of social security appeals and other seemingly lesser legal matters that are regularly resolved by the court.

Referring to the numerous unpublished opinions issued by the court, which apply only to the case in question and cannot be cited as legal precedent, Justice Kennedy suggested they be written "like a letter to the parties" rather than a broader audience. Since there is no need to restate the facts for the parties, the opinion can get to the point on questions of law, he explained.

"You should make sure the parties are confident that (the court) has heard and understood the issues," he said.

Referring to *en banc* courts, Justice Kennedy welcomed greater use of the 11-judge panels to resolve important legal matters, but acknowledged that caseload pressures and travel logistics make that difficult.

"We want the benefit of the *en banc* process," he said of the Supreme Court, adding that the larger panels ensure a fair representation of political viewpoints.

Supreme Court Justice Anthony M. Kennedy spoke to more than 120 law clerks who attended the orientation.

With the court's heavy caseload, Justice Kennedy said clerks can expect a lot of hard work in the coming year. New technology is both a boon and bane, he said, recalling seeing attendees at the Ninth Circuit Judicial Conference in Maui, Hawaii, using the Kindle Reader to review motions and briefs. He told his clerks the device would make it easier to work while traveling.

"That way you can work all the time no matter where you are," the justice quipped.

New Judges Orientation

Pictured from left to right, front row: Bankruptcy Judge Margaret M. Mann of the Southern District of California, Magistrate Judge Sheila K. Oberto of the Eastern District of California, Chief Judge Alex Kozinski of Pasadena, District Judge Gloria M. Navarro of the District of Nevada and District Judge Michael M. Anello of the Southern District of California. Middle row: Bankruptcy Judge Ronald H. Sargis of the Eastern District of California, Magistrate Judge Ronald E. Bush of the District of Idaho, Magistrate Judge J. Richard Creatura of the Western District of Washington, Magistrate Judges John E. McDermott and David T. Bristow of the Central District of California, Magistrate Judge D. Thomas Ferraro of the District of Arizona and District Judge Jacqueline H. Nguyen of the Central District of California. Back row: Magistrate Judges Laurel Beeler and Donna M. Ryu of the Northern District of California, Bankruptcy Judge Deborah J. Saltzman of the Central District of California, Bankruptcy Judge Charles Daniel Novack of the Northern District of California, Magistrate Judge Vijay C. Gandhi of the Central District of California, Magistrate Judges Jennifer L. Thurston and Michael J. Seng of the Eastern District of California, and Bankruptcy Judge Catherine E. Bauer of the Central District of California.

Court of Appeals Makes Historic First Visit to Pocatello

The United States Court of Appeals for the Ninth Circuit made a bit of history in 2010 with its first sitting in Pocatello, Idaho. Much of the Idaho legal community was present when a three-judge panel of the nation's largest and busiest federal appellate court heard oral arguments May 24 at the U.S. Courthouse there.

The panel, which consisted of Ninth Circuit Chief Judge Alex Kozinski of Pasadena, Senior Judge Stephen S. Trott of Boise, Idaho, and Judge N. Randy Smith of Pocatello, Idaho, heard arguments in appeals of two rulings by the U.S. District Court for the District of Idaho.

The proceeding coincided with an open house at the Pocatello courthouse, which had been recently remodeled by the U.S. General Services Administration. The daylong event concluded with an open house and building tours.

Judge Smith welcomed visitors to his new chambers, which were included in the courthouse-remodeling project. The building also provides chambers for visiting judges and offices for the U.S. attorney, probation services and others.

Judge Smith, who has lived in Pocatello since 1982, was instrumental in bringing the court to Pocatello, a city of some 50,000 residents in the southeast corner of the state.

"For any lawyer practicing in the courts of Idaho, having the Ninth Circuit come to Pocatello for a hearing is a significant event," Judge Smith said. "We are on the outskirts of the circuit and having the court come here reminds everyone that we are a part of the circuit."

While this is its first sitting in Pocatello, the U.S. Court of Appeals for the Ninth Circuit previously held special sittings at other Idaho locations, including Boise, Coeur d'Alene, and Moscow.

Ninth Circuit Hosts Federal Bar Association Review of Supreme Court Rulings

Judges, lawyers, law school students and their professors gathered July 21 at the James R. Browning United States Courthouse in San Francisco, California, for a review of noteworthy cases decided by the Supreme Court of the United States during its 2010 term. Sponsored by the Northern California chapter of the Federal Bar Association, the review featured a panel consisting of, from right, Professor Rory K. Little of the University of California, Hastings College of the Law; Circuit Judge Marsha S. Berzon of the U.S. Court of Appeals for the Ninth Circuit; attorney Kristin Linsley Myles of Munger, Tolles & Olson; and Professor Anne Joseph O'Connell of the UC Berkeley Law School. All of the panelists are former law clerks to Supreme Court justices. Attendees filled one courtroom while others watched a live video of the discussion in an overflow courtroom.

Jury Instructions Committee Fills Critical Role

The instructions given by a judge to a jury and the manner in which a trial is conducted are critical elements of the judicial process. In these areas of law, judges in the trial courts of the Ninth Circuit benefit from the work of the Jury Instructions Committee, which oversees the publication of model criminal jury instructions and a jury trial procedures manual.

Jury instructions are models and must be reviewed carefully before use in a particular case. They are not substitutes for the individual research and drafting that may be required in a particular case, nor are they intended to discourage judges from using their own forms and techniques for instructing juries. The Jury Instructions Committee considers suggestions from judges, staff and practitioners about possible revisions, additions, and deletions and encourages communicating with the committee.

In 2010, the committee completed a revision of the Manual of Model Criminal Jury Instructions. An electronic version was posted online in August, and a printed version was made available in December. The new edition added many new instructions. In addition, each existing instruction was thoroughly reviewed and revised as needed.

Although there are print editions of both the Manual of Model Civil Jury Instructions and the Manual of Model Criminal Jury Instructions, the online versions are most current. The committee continually updates the instructions as needed due to changes in case law or statutes. The model criminal and civil jury instructions, respectively, may be accessed online at:

www.ca9.uscourts.gov/9thcir_crim_jury

www.ca9.uscourts.gov/9thcir_civil_jury

The Jury Instructions Committee was reconstituted in September 2010 with several new members appointed and a new chair named. Stepping down from the committee after many years of service were District Judge Anna J. Brown of the District of Oregon, the current chair, and District Judges David C. Bury of the District of Arizona and Richard G. Seeborg of the Northern District of California. Appointed to the committee were Chief District Judge Susan Oki Mollway of the District of Hawaii and District Judges Cormac J. Carney of the Central District of California and Benjamin Hale Settle of the Western District of Washington.

Ninth Circuit Chief Judge Alex Kozinski selected Senior District Judge John W. Sedwick of the District of Alaska as the new chair. Continuing members are Senior Circuit Judge A. Wallace Tashima of the Ninth Circuit Court of Appeals; Senior District Judges Robert H. Whaley of the Eastern District of Washington and Thomas J. Whelan of the Southern District of California; and Magistrate Judge Alicia G. Rosenberg of the Central District of California.

Seated from left to right are District Judges David C. Bury of the District of Arizona, Anna J. Brown of the District of Oregon, and Richard G. Seeborg of the Northern District of California. Standing in the middle from left are Senior District Judge John W. Sedwick of the District of Alaska and Magistrate Judge Alicia G. Rosenberg of the Central District of California. Standing in the back from left are Senior District Judges Thomas J. Whelan of the Southern District of California and Robert H. Whaley of the Eastern District of Washington, and Senior Circuit Judge A. Wallace Tashima of Pasadena. Not pictured are District Judges Cormac J. Carney of the Central District of California and Benjamin Hale Settle of the Western District of Washington; and Chief District Judge Susan Oki Mollway of the District of Hawaii.

IT Committee Keeps Tabs on Technology

Federal courts depend heavily on information technology to manage calendars and dockets, to store and retrieve electronic documents, and to process financial and other transactions. The Ninth Circuit Information Technology Committee, consisting of judges, attorneys and court staff, monitors developments in the IT field to alert courts to promising innovations and potential problems.

The Ninth Circuit IT Committee is chaired by Chief District Judge B. Lynn Winmill of the United States District Court for the District of Idaho. The committee met twice in 2010 to discuss a variety of subjects important to the technological operations in the courts. Topics considered by the committee included:

- The cameras in the courtroom trial initiative which the Ninth Circuit has been pushing the Judicial Conference of the U.S. to pursue;
- Providing wi-fi access in courthouses for attorneys and the public;
- Developing recommendations for the use of cellphones and smartphones in the courthouse;
- Developing recommendations for the use of tablet computers by judges and others;
- Promoting the establishment of effective IT committees at the district level to assist in long-term IT planning, budgeting, and training at the local level;

Seated from left to right are District Judge James L. Robart (WAW); Chief District Judge B. Lynn Winmill (ID); Circuit Judge Johnnie B. Rawlinson of Las Vegas; and Chief Pretrial Services Officer George Walker (CAC). Standing from left to right are Don Vincent, Assistant Circuit Executive for IT; Bankruptcy Judges Frank R. Alley (OR) and Paul B. Snyder (WAW); Barry K. Lander, Bankruptcy Court Clerk (CAS); Brian Tucek, Systems Manager (AZ); Sue Beitia, District Court Clerk (HI); Daphne Keller, Esq.; and District Judge Percy Anderson (CAC). Not Pictured: Circuit Judge Sidney R. Thomas, District Judge Timothy M. Burgess (AK), Magistrate Judge Robert J. Johnston (NV), and Cathy A. Catterson, Circuit and Court of Appeals Executive.

- Supporting the IT Training Initiative sponsored by the Federal Judicial Center (FJC), ensuring that every court unit has a local trainer;
- Organizing IT awareness sessions and training at many gathering of judges and lawyers.

For the past two years, the committee has scheduled their meetings to coincide with the annual Ninth Circuit's Technology User Group (TUG) Conference. This helps to increase the presence of judges during the conference and provides a forum for judges to exchange ideas with key IT staff and court unit executives.

IT awareness sessions have been offered at the Ninth Circuit Judicial Conference and the FJC's Mid-Winter Conference. In 2011, the committee hopes to add an IT Awareness session to the Ninth Circuit new judges' orientation program sponsored by the Office of the Circuit Executive.

Presentations given at past IT Awareness sessions include, how to use Blackberry, iPhones, iPads, netbooks/laptops, remote access to the courts via virtual private networks (VPN), and proprietary systems developed for the federal judiciary.

The committee hopes to continue its work with drafting technology related IT policies for the circuit, working closer with the many local IT committees within the Ninth Circuit, and continue working with the Administrative Office of the U.S. Courts on national IT issues.

New Clerks Take Reins in District, Bankruptcy Courts

New clerks of court were appointed to two district courts and two bankruptcy courts in 2010.

Wayne Blackwelder was appointed as the clerk of court for the United States Bankruptcy Court for the Eastern District of California on August 16, 2010. He previously served for two years as the clerk of court for the U.S. Bankruptcy Court for the Eastern District of Wisconsin. Prior to judicial service, Mr. Blackwelder held various management positions in both private industry and within government, including Peace Corps and the United Nations. He was the Peace Corps' regional manager in the Pacific Northwest from 2002 to 2008. Mr. Blackwelder received a bachelor's degree in mathematics from the University of Tampa and an M.B.A. from the University of Oregon.

Kathleen J. Campbell was appointed executive officer/clerk of court for the U.S. Bankruptcy Court for the Central District of California on February 1, 2010. Ms. Campbell has been with the court for more than 15 years and has held various management positions, including five years as chief deputy of administration. Ms. Campbell left the court in 2006 to accept a position as the manager of human resources and risk management for the City of Santa Paula in Ventura County, California. As the executive officer/clerk of court for the Central District, Ms. Campbell manages a staff of approximately 300 employees with headquarters in Los Angeles and divisional offices in the San Fernando Valley, Riverside, Santa Ana, and Santa Barbara. She received her B.A. from the University of California at Santa Barbara, and an M.P.A. from the University of Southern California, where she was enrolled in the Judicial Administration Program.

Marvel M. Hansbraugh was appointed the clerk of court for the U.S. District Court for the District of Alaska on July 5, 2010. Ms. Hansbraugh has worked for the federal court in Alaska for over 28 years and served as an acting clerk prior to her appointment. She previously served as chief deputy clerk, supervisor of courtroom operations and finance manager. Prior to beginning her judicial service, Ms. Hansbraugh worked as a paralegal in a law firm in Anchorage, Alaska. She completed the Federal Court Leadership Program in 2000 and the Public Manager's Program in 2003. Ms. Hansbraugh received her bachelor's degree in political science/law and justice with a minor in sociology from Central Washington University in Ellensburg, Washington.

William M. McCool was appointed the district court executive/ clerk of court for the U.S. District Court for the Western District of Washington in September 2010. Prior to his appointment, he served as clerk of court for the U.S. District Court for the Northern District of Florida, from 2002 to 2010. From 1996 to 2002, he was the chief deputy clerk for the U.S. District Court for the District of Arizona in Tucson. Prior to that, Mr. McCool was the court administrator for the Glendale City Court in Arizona for five years and was a judicial administrator with the Maricopa County Justice Courts in Arizona for two years. Mr. McCool received his bachelor's degree from the University of Oregon and his master's degree in judicial administration from the University of Denver, College of Law. He is past president of the Federal Court Clerk's Association.

Space &
Security

Historic Pioneer Courthouse – Oldest in the West

The Pioneer Courthouse has been the Portland home of the United States Court of Appeals for the Ninth Circuit since 1973. It is the oldest surviving federal building in the Pacific Northwest and the second oldest courthouse west of the Mississippi River. Authorized during the administration of President Ulysses S. Grant, it was designed by Alfred B. Mullett, supervising architect of the U.S. Treasury Department, and built between 1869 and 1875. Two west wings were added in 1905. Originally named the United States Building, the structure provided space for the federal courts, the Customs Service, the Postal Service and the Internal Revenue Service.

Left: The Pioneer Courthouse as it existed in 1901, when it was known as the United States Building. Right: A floor-to-ceiling panoramic view of the renovated courtroom with a portrait of Senior Circuit Judge Edward Leavy.

Designed in the classical Italian Renaissance style, the courthouse is constructed primarily of Tenino sandstone quarried in northwest Washington. Classical pediments adorn each of the building's elevations. The first story has rusticated pilasters that flank segmental arched openings with a stone stringcourse separating the first floor from the second and third floors. Smooth Doric pilasters resting on the stringcourse span the second and third floors. Crowning the hipped roof are eight stone chimneys and an octagonal wood cupola with arched windows. The interiors feature terrazzo floors bordered by marble, oak, and fir casework, plaster cornices, and a grand staircase at the north end of the main lobby. The two-story courtroom is richly adorned with Doric pilasters, a massive ceiling entablature, and the original oak floor.

On October 22, 1875, District Court Judge Matthew P. Deady became the first judge to establish chambers in the new U.S. Building. The building saw heavy use through the years and, by the 1930s, could no longer support all the functions of the federal government. In 1933, the post office and the federal court moved to new quarters and the building became vacant. In 1939, the government decided to demolish the building and replace it

with a 20-story structure. These plans were shelved as the country, still in the grips of the Great Depression, reluctantly began to prepare for the possibility of war with Germany and Japan. When war finally came to America, the building was put into service to support military recruiting, bond drives, and ration board offices.

By the early 1960s, the Pioneer Courthouse was once again vacant and now in a deteriorating state. Plans were undertaken to demolish the building and construct a parking lot in its place. Through the timely intervention of Circuit Judges Richard H. Chambers and John F. Kilkenny, supported by U.S. Senator Mark Hatfield and Representative Edith Green, the building was again saved from the wrecking ball. In 1971, plans were developed to renovate and rehabilitate the building for use by the Ninth Circuit Court of Appeals. In 1973, the building was added to the National Register of Historic Places and reopened as the Pioneer Courthouse, with resident chambers for Judge John F. Kilkenny and Judge Alfred T. Goodwin. In 1977, the courthouse was designated a National Historic Landmark. In subsequent years, resident chambers were established in the building for Circuit Judges Otto R. Skopil, Jr., Diarmuid F. O'Scannlain, Edward Leavy, and Susan P. Graber.

In the early 1990s, studies determined that the Pioneer Courthouse was extremely vulnerable to catastrophic damage in the event of an earthquake. In August 1996, the General Services Administration, the Ninth Circuit Court of Appeals, SERA Architects of Portland, and a team of consultants completed designs for the rehabilitation, preservation, and seismic reinforcing of the courthouse. Due to funding problems, it was not until May 2001 that Congress approved the $16.5 million budget for the project. Work began in late 2002 and the renovation was completed in November 2005.

The primary goal of the rehabilitation of the Pioneer Courthouse was to restore, maintain, and preserve the bold and elegant design of the original building while also integrating modern structural elements, and rehabilitating mechanical, electrical, plumbing, heating and communications systems. The renovation included the preservation and restoration of significant historic spaces and the adaptive reuse of other spaces in the building. The historic courtroom was restored to its original grandeur. The original oak flooring,

From Top: An illuminated Pioneer Courthouse as seen from the adjacent Courthouse Square, and the courthouse lobby, which serves as the starting point for the public self-guided tours.

From Top: The judges' conference room, the chambers of Circuit Judge Diarmuid F. O'Scannlain, and the historic second-floor courtroom.

once concealed under wall-to-wall carpeting, was repaired and refinished. The plaster walls, ornamental woodwork, and original plaster ceilings were meticulously repaired and restored.

The most important element of the renovation and restoration of the courthouse was the seismic modifications completed beneath the existing structure. To improve the building's ability to survive a major earthquake, 75 state-of-the-art friction pendulum ground-base isolators were installed between the foundation and the ground. Friction pendulum isolators are sliding bearings which incorporate a spherical stainless steel dish. A slider, coated with a low-friction material, supports the weight of the building and moves within the dish during an earthquake. Each isolator weighs 9,000 pounds and supports 3 million pounds of building load. This system allows the ground to move up to 18 inches in any direction relative to the structure, thereby reducing the risk of damage to the building and its contents.

As a very visible public project, the renovation of the Pioneer Courthouse required community involvement. The GSA formed a volunteer Citizens Advisory Panel to advise and assist the government in developing a public outreach program for the building. The intent of this program was to explain to the public the history and architecture of the building in the context of the community, the region, and the nation. Many of these efforts were undertaken by the Pioneer Courthouse Historical Society, which developed a series of permanent exhibits highlighting the building's history and architecture, and also the American judicial system. Today, the courthouse is open to the public Monday through Friday, from 9 a.m. to 4 p.m., and visitors have unrestricted access to the public spaces throughout the building, including the courtroom and cupola. Between 6,000 and 8,000 people visit the Pioneer Courthouse each year.

The rehabilitation, renovation, and adaptive reuse of the Pioneer Courthouse serve as a model for historic courthouse restoration and preservation. This project demonstrates that new technologies, which support the court's contemporary and future requirements, can be integrated into the structure without compromising its historic character and integrity.

Construction of Bakersfield Courthouse Underway

Specials guests, and judges and staff of the United States District Court for the Eastern District of California gathered July 12 for a groundbreaking ceremony marking the beginning of construction. Pictured from left to right are Jeffrey Neely, GSA acting administrator, Pacific Rim Region; Martha Johnson, GSA administrator; Congressman Jim Costa, California District 20; Mayor Harvey Hall, City of Bakersfield; and Chief District Judge Anthony W. Ishii (also pictured below), U.S. District Court for the Eastern District of California. The $28.5 million funding for the new courthouse was made possible through the American Recovery and Reinvestment Act. The new courthouse will house a magistrate judge, clerk's office, U.S. Marshals office, and U.S. Probation and Pretrial Services offices. Construction is scheduled to be completed in 2012.

Bakersfield Courthouse

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

Courthouses Under Construction

Billings Courthouse

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

San Diego U.S. Courthouse

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

Courthouses in Design Phase

Yuma U.S. Courthouse

Gross Square Footage: 56,789
Architects: Ehrlich Architects
Completion Date: 2013

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

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

The Work of the Courts

Court of Appeals Remains the Nation's Busiest

The United States Court of Appeals for the Ninth Circuit reported a slight decline in new filings and a significant reduction in pending caseload in fiscal year 2010.

New appeals numbered 11,982, down 1.9 percent from 2009. The court remained the nation's busiest appellate court with 21.4 percent of all new appeals nationally. Appellate filings nationwide numbered 55,992, down 3.0 percent overall and by as much as 12.4 percent among the individual circuits.

The court continued to conclude more appeals than it received, terminating 13,340 cases in 2010, up 4.1 percent from the prior year. As result, the court's pending caseload was reduced by 8.2 percent from the previous year with 15,142 cases open at year's end.

The downturn in new filings in the Ninth Circuit was due primarily to fewer appeals of decisions rendered by the U.S. Department of Justice's Board of Immigration Appeals. The BIA reviews actions taken by the nation's immigration judges. In the Ninth Circuit, BIA appeals numbered 3,169 in 2010, down 5.4 percent from the year before.

Breakdown of New Appeals

District courts, which serve as trial courts in the federal judicial system, generated 7,759 appeals, or 64.8 percent, of the 2010 new filings. Agency appeals, which include BIA cases, numbered 3,169, or 26.4 percent. Original proceedings numbered 739, while bankruptcy cases totaled 159.

The Central District of California, the largest and busiest court in the circuit, had the greatest number of appeals among the district courts. In 2010, the Central District reported 2,144 appeals, or 27.6 percent of the total district court filings. Central District filings were up by 65 cases from the prior year.

Also generating more appeals in 2010 were the Northern District of California, 950 appeals, up 20.1 percent; the District of Idaho, 130 appeals, up 6.6 percent; the District of Montana, 278 appeals, up 1.5 percent; the District of Nevada, 600 appeals, up 14.1 percent; and the District of Northern Mariana Islands, 16 appeals, up 14.3 percent.

Fewer appeals were generated by the District of Alaska, 97 appeals, down by 7 cases; the District of Arizona, 730 appeals, down 3.7 percent; the Eastern District of California, 1,087 appeals, down 3.8 percent; the Southern District of California, 554 cases, down by 10 cases; the District of Guam, 12 cases, down 50 percent; the District of Hawaii, 123 cases, down by 9 cases; District of Oregon, 412 cases, down by 9 cases; the Eastern District of Washington, 188 cases, down 13 percent; and the Western District of Washington, 438 cases, down 8.4 percent.

1 Appellate Caseload Profile, 2009-2010

Caseload Measure	2009 Total	2010 Total	Change 2009-2010
Filings	12,211	11,982	-1.9%
Terminations	12,818	13,340	4.1%
[1]Pending Cases	16,500	15,142	-8.2%

[1]2009 pending cases revised

Of the appeals originating in the district courts, 6,104, or 78.7 percent, were civil in nature. Prisoner petitions, including those brought against the federal government, numbered 3,305, or 42.6 percent of the total district court filings. Other private civil filings totaled 2,138, or 17.8 percent of new filings.

Criminal appeals numbered 1,655, or 21.3 percent of the total, down slightly from 1,682 filings the prior year. The circuit had 12.7 percent of criminal appeals filed nationally. The most numerous criminal appeals involved immigration offenses, 446 filings; drug offenses, 440 filings; property offenses, 237 filings; fraud, 198 filings; firearms and explosives offenses, 149 filings; and sex offenses, 140 filings. Violent offenses numbered 80, down 20 percent from 2009.

Terminations and Pending Cases

Of the 13,340 appeals closed in 2010, 6,324 were terminated on the merits, 6,515 on procedural grounds and 501 cases through consolidation. Of those cases terminated on the merits, 1,870

2 Filings, Terminations and Pending Cases by Appeal Type, 2009-2010

Type of Appeal	2009 Filings	2010 Filings	Change 2009-10	% of Circuit Total	2009 Terminations	2010 Terminations	Change 2009-10	2009 Pending	2010 Pending	Change 2009-10
Civil										
U.S. Prisoner Petitions	539	428	-20.6%	3.6%	423	457	8.0%	575	506	-12.0%
Private Prisoner Petitions	2,694	2,877	6.8%	24.0%	2,087	2,669	27.9%	3,323	3,430	3.2%
Other U.S. Civil	623	661	6.1%	5.5%	655	691	5.5%	780	707	-9.4%
Other Private Civil	2,095	2,138	2.1%	17.8%	2,202	2,216	0.6%	2,530	2,265	-10.5%
Criminal	1,682	1,655	-1.6%	13.8%	1,644	1,712	4.1%	2,010	1,795	-10.7%
Other										
Bankruptcy	145	159	9.7%	1.3%	203	172	-15.3%	196	172	-12.2%
Administrative Appeals	3,542	3,325	-6.1%	27.7%	4,687	4,651	-0.8%	7,601	6,130	-19.4%
Original Proceedings	891	739	-17.1%	6.2%	917	772	-15.8%	291	137	-52.9%
Circuit Total	12,211	11,982	-1.9%		12,818	13,340	4.1%	17,306	15,142	-12.5%
National Appellate Total	57,740	55,992	-3.0%		60,508	59,526	1.0%	50,564	46,351	-8.3%
Ninth Circuit as % of National Total	21.1%	21.4%	-0.3%		21.2%	22.4%	-1.2%	34.2%	32.7%	-1.6%

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

3 Median Time Intervals in Cases Terminated After Hearing or Submission 2009-2010

Number of Months

	Ninth Circuit		National	
By Stage of Appeal	2009	2010	2009	2010
From Filing of Notice of Appeal to Filing Last Brief	6.4	6.6	5.7	5.5
From Filing of Last Brief to Hearing or Submission	12.0	9.9	4.8	4.4
From Hearing to Final Disposition	1.3	1.3	2.1	2.1
From Submission to Final Disposition	0.4	0.5	0.7	0.6
From Filing Notice of Appeal to Final Disposition	17.9	16.4	12.2	11.7
From Filing in Lower Court to Final Disposition in Appellate Court	37.3	36.4	32.1	30.3

Note: This table does not include data for the U.S. Court of Appeals for the Federal Circuit.

Ninth Circuit Court of Appeals Judges

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

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*
[1]Cynthia Holcomb Hall	*Pasadena*
John T. Noonan, Jr.	*San Francisco*
[2]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*
[3]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*
Mary H. Murguia	*Phoenix*

[1]Deceased February 26, 2011
[2]Deceased February 19, 2011
[3]Deceased May 4, 2011

4 Source of Appeals and Original Proceedings Commenced, 2010

District	Appeals Total	% of Total
Alaska	97	0.8%
Arizona	730	6.1%
C. Calif.	2,144	17.9%
E. Calif.	1,087	9.1%
N. Calif.	950	7.9%
S. Calif.	554	4.6%
Guam	12	0.2%
Hawaii	123	1.0%
Idaho	130	1.1%
Montana	278	2.3%
Nevada	600	5.0%
Northern Mariana Islands	16	0.1%
Oregon	412	3.4%
E. Wash.	188	1.6%
W. Wash.	438	3.7%
Bankruptcy	159	1.3%
Administrative Agencies, Total	3,325	27.7%
IRS	39	0.3%
National Labor Relations Board	24	0.2%
BIA	3,169	26.4%
Other Administrative Agencies	93	0.8%
Original Proceedings	739	12.6%
Circuit Total	11,982	

Note: Total includes 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.

were decided after oral arguments and 4,454 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 most common categories were administrative appeals, 2,221; criminal appeals, 1,166; and private civil, 1,070. The reversal rates in these categories were 7.5 percent for administrative appeals, 6.8 percent for criminal, and 15.9 percent for private civil.

Most prisoner petitions were terminated on procedural grounds. In 2010, 124 petitions involving the U.S. government and 855 private petitions were decided on the merits. The reversal rates were 6.5 percent for U.S. cases and 7.3 percent for private cases.

En banc courts, used to resolve intra-circuit conflicts or other legal questions of exceptional importance, heard 24 cases in 2010. *En banc* decisions reached by the court in 2010 numbered 15, 14 of those following oral argument and one without oral argument.

Pending cases numbered 15,142 compared to 16,500 cases the year before. About 53.9 percent had been pending for less than a year and 46.1 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, declined in 2010. The median time interval from filing of a notice of appeal to final disposition of a case was 16.4 months in 2010, down from 17.9 months in 2009. The median time interval from the filing of a case in a lower court to final appellate disposition was 36.4 months, down from 37.3 months the year before.

Once an appeal was fully briefed, Ninth Circuit judges decided cases fairly quickly. In 2010, the median time interval for final disposition remained constant at 1.3 months for a case in which oral arguments were heard, and .5 months for a case submitted on briefs, slightly up from the prior year.

The national median time interval from notice of appeal to final disposition by a circuit court of appeals was 11.7 months in 2010 compared to 12.2 months the prior year. The national median time interval from the filing of a case in a lower court to final disposition by a circuit court was 30.3 months compared to 32.1 months in 2009.

Pro Se Filings and Terminations

In 2010, the court received 5,856 *pro se* appeals, down 1.9 percent from the prior year. *Pro se* filings

5 Ninth Circuit Court of Appeals *En banc* Ballots, 2006-2010

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
2010	1,002	58	24	34
2009	1,014	36	14	22
2008	1,208	31	19	12
2007	1,339	47	22	25
2006	1,310	38	21	17

accounted for 48.9 percent of all new appeals. Prisoner petitions, 2,794, and agency appeals, 1,256, accounted for 69.2 percent of new *pro se* filings.

The court terminated 6,324 *pro se* appeals in 2010. Of that number, 4,053, or 64.1 percent, were closed on procedural grounds, while 2,226 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 26 active circuit judges and 21 senior circuit judges. In 2010, active circuit judges participated in 60.7 of the cases terminated on the merits, down 7.5 percent from the prior year. Senior circuit judges participated in 33.3 percent, while visiting judges helped decide 6.0 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

District courts serve as trial courts in the federal judicial system. Criminal and civil filings in the district courts of the Ninth Circuit totaled 63,543 filings in 2010, up 4.2 percent from the previous year. The Ninth Circuit had 17.6 percent of all district court filings nationally, which numbered 361,323, up slightly to 2.3 percent for the year.

Criminal Filings, Terminations and Pending Cases

District courts in the circuit reported 19,395 criminal filings in 2010, up 10.6 percent from the prior year. Criminal matters constituted 30.5 percent of the circuit's total district court filings for the year.

Immigration offenses constituted the largest category of criminal cases with 8,973 filings, up 16.6 percent from the prior year and accounting for 46.3 of the total criminal filings in the circuit. The most common immigration offense, improper reentry by an alien, numbered 7,338, up 22.7 percent from the prior year.

Drug offenses were the second most numerous type of case. Drug offense filings numbered 3,641, down 7.9 percent from the prior year and representing 18.8 percent of the criminal filings in the circuit. Almost 45.8 percent of all drug offenses, 1,667 filings, involved marijuana. All other drug offenses totaled 1,974 filings,

Increases were reported in 12 of 19 categories of criminal filings (see Table 7). Large numerical increases were seen in fraud with 2,580 filings, up 25.9 percent; and traffic offenses, with 651 filings, up 41.2 percent. Also showing upturns were general offenses; regulatory offenses; burglary, larceny and theft; assault and other violent offenses; embezzlement and other property offenses. Homicide filings numbered 47, up 9.3 percent.

Eleven out of 15 district courts in the circuit reported increases in criminal filings in 2010. The districts of Arizona and Southern California, which border Mexico, had the largest criminal caseloads, much of it stemming from drug smuggling. The District of Arizona reported 6,831 criminal filings, up 30 percent from 2009. The Arizona court had 37.8 percent of all drug offense filings in the circuit and ranked second in the nation in drug offenses. The Southern District of California reported 4,924 criminal cases, up 1.5 percent.

Other courts with large criminal caseloads were the Western District of Washington with 1,132 cases, up 21.3 percent; the Eastern District of California with 989 cases, up 2.8 percent; the District of Nevada with 691 cases, up 25.2 percent; the District of Oregon with 678 cases, up 2.6 percent; the District of Hawaii with 545 cases, up 33.3 percent; and the Eastern District of Washington with 397 cases, up 11.2 percent.

Criminal case filings decreased in the Central District of California with 1,418 filings, down 7.6 percent; the Northern District of California with 832 filings, down 20.3 percent; the District of Montana with 333 filings, down 8 percent; and the District of Idaho with 273 filings, down .7 percent.

The District of Guam had 73 criminal case filings, an increase of 9 percent, while the District of Northern Mariana Islands had 43, up 138.2 percent.

The district courts of the Ninth Circuit terminated 19,699 criminal cases in 2010, up 11.9 percent the prior year. The number of pending criminal cases reported at the end of the year was 15,159, down 2 percent from 2009.

Civil Filings, Terminations and Pending Cases

New civil filings in the district courts numbered 44,148 in 2010, up 1.6 from the prior year. The circuit accounted for 15.6 percent of the 282,895 civil filings in the district courts nationally in 2010. Civil filings increased nationally by 2.4 percent over the previous year.

Private civil cases numbered 36,662 and accounted for 83 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 percent

6 U.S. District Courts - Total Criminal and Civil Cases Filed, Terminated and Pending, 2009-2010

Caseload Measure	2009 Total	2010 Total	[1]Change 2009-2010
Civil Filings	43,456	44,148	1.6%
Criminal Filings	17,534	19,395	10.6%
Total Filings	60,990	63,543	4.2%
Civil Terminations	41,540	44,047	6.0%
Criminal Terminations	17,607	19,699	11.9%
Total Terminations	59,147	63,746	7.8%
Pending Civil Cases	40,727	40,828	0.2%
Pending Criminal Cases	15,463	15,159	-2.0%
Total Pending Cases	56,190	55,987	-0.4%
Civil Case Termination Index (in months)	11.8	11.1	-5.9%
Criminal Case Termination Index (in months)	10.5	9.2	-12.4%
Overall Case Termination Index	11.4	10.5	-7.9%
Median Months (from filing to disposition) Civil Cases	7.3	7.3	0.0%
Median Months (from filing to disposition) Criminal Defendants	5.5	5.2	-5.5%
Median Months National Total (from filing to disposition) Civil Cases	8.9	7.6	-14.6%
Median Months National Total (from filing to disposition) Criminal Defendants	6.5	6.3	-3.1%

[1]Percent change not computed when fewer than 10 cases reported for the previous period.
Note: Pending totals exclude each case in which the defendant has been a fugitive since before Oct. 1, 2009. However, no case with multiple defendants has been excluded unless all defendants in the case have been fugitives since before Oct. 1, 2009. 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 intervals computed from the date case was filed to the date the defendant was either found not guilty or was sentenced.

of the new filings. Prisoner petitions totaled 9,731 or 26.5 percent of all new private civil cases which increased to 3.2 percent in 2010.

Other major categories of new private civil filings were civil rights, 5,390 cases or 14.7 percent; contracts, 4,345 cases or 11.9 percent; labor suits, 2,657 cases or 7.2 percent; real property, 2,593 or 7.1 percent; and copyright and patent trademark, 2,520 cases or 6.9 percent.

Civil filings in which the government was a party numbered 7,486. Social security cases were most numerous, 2,726 cases or 36.4 percent of the total. Other major categories were prisoner petitions 1,223 cases or 16.3 percent, and contracts, 713 cases or 9.5 percent.

Among the 15 districts in the circuit, nine reported increased civil filings in 2010. The Central District of California had the largest civil caseload with 13,850 new filings, up 1.8 percent from 2009. Following were the Northern District of California, 6,092 cases, up .5 percent; the Eastern District of California, 5,842, up 2.5 percent; the District of Arizona, 3,756 cases, up 3.5 percent; the Western District of Washington, 2,927 cases, up 7.6 percent; the District of Oregon, 2,332 cases, up 8.1 percent; the Eastern District of Washington, 744 cases, up 5.4 percent; the District of Hawaii, 742 cases, up 19.3 percent; and the District of Idaho, 710 cases, up 6.9 percent.

Civil filings declined in the districts of Alaska, Southern District of California, Guam, Montana, Nevada, and the Northern Mariana Islands.

Civil case terminations in the Ninth Circuit numbered 44,047, up 6 percent

7 Ninth Circuit District Courts - Types of Criminal Cases Commenced, by Major Offense and District (Excluding Transfers), 2009-2010

	AK	AZ	C. Calif.	E. Calif.	N. Calif.	S. Calif.	GU	HI	ID	MT	NMI	NV	OR	E. Wash.	W. Wash.	2009 Total	2010 Total	Change 2009- 10
Violent Offenses																		
Homicide	0	30	1	0	0	2	0	0	3	8	0	0	1	1	1	43	47	9.3%
Robbery	4	15	28	10	13	16	0	8	2	1	0	28	37	1	6	214	169	-21.0%
Assault	2	107	21	9	6	19	2	4	8	27	0	18	4	1	14	213	242	13.6%
Other	0	18	8	4	4	5	0	0	2	9	1	7	4	6	4	55	72	30.9%
Property Offenses																		
Burglary, Larceny & Theft	7	55	78	44	19	9	22	21	3	8	0	16	29	4	170	423	485	14.7%
Embezzlement	9	13	7	8	7	11	0	1	2	8	0	5	4	1	14	85	90	5.9%
Fraud	17	1,272	281	88	146	381	15	32	26	18	4	134	63	32	71	2,049	2,580	25.9%
Forgery & Counterfeiting	1	8	40	9	5	3	1	1	5	0	1	5	6	7	7	108	99	-8.3%
Other	0	3	7	2	2	1	0	0	2	5	0	1	3	2	9	27	37	37.0%
Drug Offenses																		
Marijuana	0	1,107	14	87	16	333	0	5	1	5	0	1	25	10	63	2,087	1,667	-20.1%
All Other Drugs	55	271	149	112	97	721	14	64	54	93	9	107	72	50	106	1,867	1,974	5.7%
Firearms and Explosives Offenses	17	143	61	52	88	46	1	15	32	36	1	88	81	70	81	880	812	-7.7%
Sex Offenses	12	82	50	61	25	46	0	13	17	61	0	38	38	11	31	521	485	-6.9%
Justice System Offenses	2	45	11	10	20	31	0	0	1	7	0	3	4	6	10	186	150	-19.4%
Immigration Offenses																		
Improper Alien Reentry	10	3,309	507	423	272	2,189	1	0	102	20	0	195	68	188	54	5,979	7,338	22.7%
Other	1	251	30	1	5	1,040	1	0	2	0	21	4	217	2	60	1,714	1,635	-4.6%
General Offenses	2	22	32	20	14	17	3	133	2	13	0	4	4	0	83	209	349	67.0%
Regulatory Offenses	22	77	79	43	34	53	1	20	9	14	6	35	18	5	24	312	440	41.0%
Traffic Offenses	2	3	14	6	59	1	12	228	0	0	0	2	0	0	324	461	651	41.2%
All Offenses Total	163	6,831	1,418	989	832	4,924	73	545	273	333	43	691	678	397	1,132	17,433	19,322	10.8%

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.

from 41,540 in 2009. Pending civil cases totaled 40,828, a slight increase of .2 percent.

Case Processing Times

Case processing times in the district courts of the Ninth Circuit improved in 2010. The Case Termination Index, which computes how long it would take to clear the pending caseload if the current termination rate remained constant, was 10.5 months in 2010, down from 11.4 the previous year.

The median time from filing to disposition for civil cases in the Ninth Circuit remained constant at 7.3 percent. The national median time for civil cases decreased to 7.6 months in 2010 compared with 8.9 months in 2009.

For criminal cases, the median time from filing to disposition in the Ninth Circuit was 5.2 months compared to 5.5 months the year before. The national median time was 6.3 months, down from 6.5 months in 2009.

8 U.S. District Courts: Weighted and Unweighted Filings Per Authorized Judgeship, 2009-2010

		Unweighted Filings Per Judgeship				Weighted Filings Per Judgeship					
District	Authorized Judgeships	Civil	Criminal	Supervised Release Hearings	2010 Total	Civil	Criminal	Supervised Release Hearings	2009 Weighted Total	2010 Weighted Total	Change 2009-2010
Alaska	3	111	70	3.33	185	121	63	0.52	205	184	-10.2%
Arizona	13	264	603	119.31	986	280	357	16.72	609	653	7.2%
C. Calif.	28	476	74	39.89	590	537	59	5.64	622	602	-3.2%
E. Calif.	6	943	231	50.67	1,225	941	173	7.09	1,097	1,122	2.3%
N. Calif.	14	416	72	45.07	533	532	54	6.41	607	593	-2.3%
S. Calif.	13	212	430	121.08	763	250	263	17.01	539	530	-1.7%
Hawaii	4	181	162	42.25	385	215	81	6.13	280	302	7.9%
Idaho	2	345	197	33.50	575	397	172	4.93	532	574	7.9%
Montana	3	168	132	59.33	360	180	131	9.24	368	320	-13.0%
Nevada	7	423	121	36.71	581	494	103	5.70	577	603	4.5%
Oregon	6	379	135	54.83	569	403	104	7.70	481	515	7.1%
E. Wash.	4	172	117	122.50	411	178	92	17.25	268	287	7.1%
W. Wash.	7	402	187	44.71	634	471	102	6.56	538	580	7.8%
Circuit Total	110	4,492	2,531	773.18	7,797	4,999	1,754	110.90	6,723	6,865	2.1%
Circuit Mean	***	346	195	59.48	600	385	135	8.53	517	528	2.1%
Circuit Median	***	345	135	45.07	575	397	103	6.56	538	574	6.7%
National Mean	***	319	145	33.53	497	341	115	5.42	443	461	4.1%

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.

Poor Economy Produces New Wave of Bankruptcy Filings

Bankruptcy filings in the Ninth Circuit rose 28.8 percent in 2010 with 399,343 new cases reported. There were 89,000 more bankruptcy filings than in 2009. Filings were up in 13 of the 15 judicial districts of the circuit with the biggest increases reported by bankruptcy courts in Arizona, California and Washington.

The Central District of California, which includes the Los Angeles metropolitan area, led the nation in bankruptcy filings. The court reported 138,585 new filings, up 42.2 percent from 2009. Chapter 7 filings numbered 106,627, up 42.1 percent. Chapter 13 filings numbered 30,783, up 43.8 percent. Of the new cases, 133,116 were nonbusiness filings and 5,469 were business filings. Chapter 7 filings accounted for 76.8 percent of nonbusiness filings.

Similar numbers were reported by bankruptcy courts elsewhere in California. The Eastern District of California, which includes Sacramento and Fresno, received 54,389 new filings in 2010, up 23.5 percent. The court's Chapter 7 filings rose to 21.2 percent to 44,194 filings, while Chapter 13 filings increased 35.1 percent to 9,910 filings. Nonbusiness filings numbered 52,910 and business filings 1,479. Chapter 7 filings accounted for 81.5 percent of the total nonbusiness filings in the district.

The Northern District of California, which takes in San Francisco and San Jose, reported 38,632 filings, up 28.6 percent from 2009. Chapter 7 filings increased by 26.9 percent to 25,597, while Chapter 13 filings rose 32.3 percent to 12,601 filings. Nonbusiness and business filings numbered 36,990 and 1,642, respectively. Chapter 7 made up 66.1 percent of the nonbusiness filings.

Bankruptcy filings in the Southern District of California totaled 23,509 cases, up 21.9 percent from 2009. Chapter 7 filings numbered 18,888,

9

Business and Nonbusiness Bankruptcy Cases Commenced, by Chapter of the U.S. Bankruptcy Code, 2009-2010

Caseload Measure	2009	2010	Change 2009-2010
Filings			
Business Chapter 7	9,708	10,680	10.0%
Business Chapter 11	2,534	2,762	9.0%
Business Chapter 12	77	126	63.6%
Business Chapter 13	950	988	4.0%
Nonbusiness Chapter 7	230,989	299,231	29.5%
Nonbusiness Chapter 11	505	926	83.4%
Nonbusiness Chapter 13	65,239	84,621	29.7%
Circuit Total	310,002	399,334	28.8%
Terminations	228,462	361,652	58.3%
[1]Pending Cases	263,805	301,506	14.3%

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

These figures include the following cases not reflected elsewhere:

Fiscal Year 2009

Central Calif. (Chapter 15 = 2); Southern Calif. (Chapter 15 = 3); Hawaii (Chapter 15 = 1); Nevada (Chapter 15 = 1); Western Wash. (Chapter 9 = 1; Chapter 15 = 18)

Fiscal Year 2010

Arizona (Chapter 15 = 3); Central Calif. (Chapter 15 = 2); Eastern Calif. (Chapter 9 = 1); Hawaii (Chapter 15 = 1); Idaho (Chapter 9 = 1); Western Wash. (Chapter 15 = 1)

Due to differences among districts in reporting intra-district transfers, the total provided above for cases pending on September 30, 2010, may not equal the number obtained by adding totals for cases pending at the end of the prior period plus cases filed during the current period, then subtracting cases terminated during the current period.

[1]2009 pending cases revised

10

Ninth Circuit Bankruptcy Courts
2009-2010

District	2009 Total	2010 Total	Change 2009-2010
Alaska	933	1,132	21.3%
Arizona	31,017	42,216	36.1%
C. Calif.	97,481	138,585	42.2%
E. Calif.	44,023	54,389	23.5%
N. Calif.	30,052	38,632	28.6%
S. Calif.	19,282	23,509	21.9%
Guam	212	211	-0.5%
Hawaii	2,941	3,862	31.3%
Idaho	7,203	8,392	16.5%
Montana	2,593	3,167	22.1%
Nevada	27,560	30,637	11.2%
N. Mariana Is.	11	9	-18.2%
Oregon	17,200	20,460	19.0%
E. Wash	7,070	7,471	5.7%
W. Wash.	22,450	26,671	18.8%
Circuit Total	310,028	399,343	28.8%

an increase of 17.3 percent, while Chapter 13 filings increased 46.3 percent in 2010. Chapter 7 nonbusiness filings numbered 18,358, up 18.1 percent and made up 80.4 percent of the total nonbusiness filings in the district.

Within the circuit, the District of Arizona reported the second largest increase in caseload percentage-wise, up 36.1 percent with 42,216 new filings. Chapter 7 filings were 34,726, up 36.5 percent, while Chapter 13 filings rose 35.2 percent to 6,789 filings. The court had 40,507 nonbusiness filings and 1,709 business filings. Chapter 7 made up 83.1 percent of the district's total nonbusiness filings.

The Western District of Washington experienced an 18.8 percent increase with 26,671 filings in 2010. Chapter 7 and Chapter 13 filings totaled 20,627 and 5,749, respectively. Nonbusiness and business filings were 25,743 and 928. Chapter 7 accounted for 77.6 percent of nonbusiness filings.

The District of Nevada reported 30,637 bankruptcy filings, up 11.2 percent from 2009. Chapter 7 filings increased 15.9 percent to 22,931 filings, while Chapter 13 filings decreased 2.2 percent to 7,221. Chapter 7 made up 75 percent of the total nonbusiness filings.

The District of Oregon reported 20,460 new filings, up 19 percent from 2009. Chapter 7 filings totaled 16,062, up 20.7 percent, while Chapter 7 nonbusiness numbered 15,643, up 21.6 percent from the prior year.

The districts of Alaska, Hawaii, Idaho, Montana and Eastern Washington also experienced increases in filings for fiscal year 2010. The Idaho court reported 8,392 filings, up 16.5 percent compared to the prior year with 7,203 cases. In Alaska, filings rose 21.3 percent to 1,132; Hawaii had 3,862 cases, up 31.3 percent; Montana's filings were up 22.1 percent to 3,167 cases, and Eastern Washington had 7,471 cases, up 18.8 percent.

The only districts reporting decreased filings are the District of Guam with 211 filings, slightly down .5 percent and the District of Northern Mariana Islands with 9 filings, down 18.2 percent from last year with only 11 reported cases.

Bankruptcy Appellate Panel Sees Caseload Rise Again

The Ninth Circuit Bankruptcy Appellate Panel (BAP) operates under the authority of the Judicial Council of the Ninth Circuit. Bankruptcy judges are appointed to the BAP by the chief judge of the circuit. They serve seven-year terms and may be reappointed to an additional three-year term. BAP judges are precluded from hearing matters arising from their own districts.

The BAP is authorized seven bankruptcy judges, but has left one seat vacant since 2003 due to a reduced workload. The BAP has seen an increase in new filings each of the past two years. If the trend continues, it may request that the vacant seat be filled.

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

New Filings

For fiscal year 2010, the BAP received 783 new appeals, up 24.9 percent from the prior fiscal year. The BAP handled 51 percent of all bankruptcy appeals brought during the year; district courts heard the remainder. Historically, the BAP has handled between 49 percent and 60 percent of all appeals. Table 12 shows bankruptcy appeal filings for the last ten years, and reflects that total annual filings increased in calendar year 2009 and fiscal year 2010 from an all-time low in CY 2008. Table 11 shows bankruptcy appeal filings by district for fiscal year 2010.

Dispositions

The BAP terminated 410 appeals in fiscal year 2010. Of those, 107 appeals were merits terminations. Oral argument was held in 97 appeals, and 10 appeals were submitted on briefs. Of the 107 merits decisions, 33 were published opinions. The reversal rate was 18 percent. The median time for an appeal decided on the merits was 8.3 months. Of the remaining 303 closed cases, two were terminated by consolidation and 89 were transferred to the district courts after appellee elections or in the interest of justice. The remaining 212 closed appeals were terminated on procedural grounds, such as for lack of prosecution, lack of jurisdiction, or voluntary dismissal. The BAP ended fiscal year 2010 with 204 appeals pending.

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

11 New Bankruptcy Appeal Filings, 2010

District	Bankruptcy Appellate Panel	[1]District Court	Total
Alaska	3	7	10
Arizona	56	38	94
C. Calif.	166	129	295
E. Calif.	48	38	86
N. Calif.	41	63	104
S. Calif.	9	4	13
Hawaii	2	8	10
Idaho	5	5	10
Montana	9	6	15
Nevada	16	36	52
Oregon	7	7	14
E. Wash.	2	14	16
W. Wash.	32	31	63
Totals	396 (51%)	386 (49%)	782

[1]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.

12 Ninth Circuit Bankruptcy Appeal Filings, 2001-2010

Year	Appeals Totals	Raw Appeals Received by [1]BAP	Net Appeals [2]BAP	Net Appeals District [3]Court	Election [4]Rate
CY 2001	844	631	470	374	44%
CY 2002	904	673	527	377	42%
CY 2003	818	649	417	401	49%
CY 2004	869	646	473	396	46%
CY 2005	764	521	420	344	45%
CY 2006	735	477	374	361	49%
CY 2007	658	479	379	279	42%
CY 2008	542	348	265	277	51%
CY 2009	656	421	332	324	49%
[5]FY 2010	783	481	396	387	49%

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

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

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

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

[5]The use of fiscal year numbers was requested for this report.

Appeals to the Ninth Circuit

Decisions of the BAP or a district court may be appealed to the Ninth Circuit Court of Appeals for second-level appellate review. In fiscal year 2010, 151 second-level appeals were filed. Of these, 61 were appeals from decisions by the BAP and 90 were from decisions by the district courts. Thus, of the 410 appeals that were disposed of by the BAP, roughly 85 percent were fully resolved, with only about 15 percent seeking second-level review.

New BAP Judge and New BAP Chief Judge

In May 2010, Chief Bankruptcy Judge Ralph B. Kirscher of the District of Montana was appointed to a seven-year term on the BAP, replacing Northern District of California Bankruptcy Judge Dennis Montali, who completed a ten-year term serving as the BAP's chief judge during his final year of BAP service. Bankruptcy Judge Jim D. Pappas of the District of Idaho succeeded Judge Montali as the BAP's chief judge.

Magistrate Judges Keep Pace with Growing Workload

Magistrate judges make significant contributions to the work of the federal district courts. In 2010, 102 full-time and 11 part-time magistrate judges and recalled magistrate judges were serving in the Ninth Circuit. They assisted district judges in a wide range of judicial matters, including presiding over preliminary proceedings, trial jurisdiction cases, civil consent cases, other duties related to criminal and civil matters, and reviewing prisoner petitions.

Magistrate judges disposed of a combined 230,638 judicial matters during the year, up 10.1 percent from 2009. Increases were reported in 21 categories of dispositions.

The largest category numerically was preliminary proceedings, which numbered 92,780 in 2010, up 3.9 percent. Initial appearances, arraignments, detention hearings and warrants for searches and arrests made up the bulk of the proceedings. The largest increase within the category was preliminary examinations, up 14.4 percent.

Additional duties related to criminal matters numbered 42,500 in 2010, up 28.2 percent. This category includes pretrial motions and conferences, taking of guilty pleas, hearings on probation revocation and supervised release, and evidentiary hearings. Pretrial conference increased to 16,915 in 2010, up 92.3 percent from the prior year.

Additional duties related to civil matters declined slightly with 27,554 dispositions reported, down 1.3 percent. Motions, pretrial conferences and settlement conferences made up the bulk of this work.

Trial jurisdiction cases, which include Class A misdemeanors and petty offenses, increased to 42,343, up 16 percent. Petty offenses numbered 39,453, up 16.4 percent.

Civil consent cases, in which a magistrate judge presides at the consent of the parties, numbered 3,695 in 2010, up 22.5 percent. The great majority of cases were disposed of without trial.

Prisoner petitions increased by 13.1 percent to 6,410 in 2010. State habeas and civil rights claims made up the bulk of this work.

New Magistrate Judges and Governance

Eight new full-time magistrate judges were sworn into office over the course of the year. They were Laurel Beeler, Paul S. Grewal, and Donna M. Ryu of the Northern District of California; Jay C. Gandhi of the Central District of California; Kendall J. Newman, Sheila K. Oberto and Michael J. Seng of the Eastern District of California; and Bernard Skomal of the Southern District of California.

Magistrate Judge David K. Duncan of the District of Arizona is chair of the Magistrate Judges Executive Board and serves as an official observer at meetings of the Judicial Council of the Ninth Circuit. He succeeded Magistrate Judge Karen L. Strombom whose term as chair of the board expired in September 2010. New members of the board in 2010 include Magistrate Judges Jan M. Adler of the Southern District of California, Dennis J. Hubel of the District of Oregon, Joseph C. Spero of the Northern District of California, and Mary Alice Theiler of the Western District of Washington.

Members of the Magistrate Judges Executive Board participated in the orientation of new magistrate judges and discussed chambers management, evidentiary matters, search warrant issues, and the history of the Ninth Circuit's Magistrate Judges Executive Board. Also included in the discussion was the crisis intervention programs for defendants charged with possession of child pornography developed with U.S. Attorneys and Federal Public Defenders offices in the districts of Central California, Northern California, and Western Washington.

Educational Programs

At the 2010 Ninth Circuit Judicial Conference in Maui, Hawaii, the Magistrate Judges Education program featured a panel discussion on the growing challenges on privacy rights as technology thrives. Panelists included Ovie L. Carroll, director, Cybercrime Lab, United States Department of Justice, Computer Crime and Intellectual Property

13 Matters Disposed of by Ninth Circuit Magistrate Judges, 2009-2010

Activity	2009 Total	2010 Total	Change 2009-2010
Total Matters	209,464	230,638	10.1%
Preliminary Proceedings	89,293	92,780	3.9%
Search Warrants	9,711	9,681	-0.3%
Arrest Warrants	6,814	7,057	3.6%
Summonses	1,124	1,181	5.1%
Initial Appearances	23,738	25,318	6.7%
Preliminary Examinations	6,486	7,418	14.4%
Arraignments	18,238	19,208	5.3%
Detention Hearings	13,790	13,917	0.9%
Bail Reviews/Nebbia Hearings	1,903	1,875	-1.5%
[5]Other	7,489	7,125	-4.9%
Trial Jurisdiction Cases	36,503	42,343	16.0%
Class A Misdemeanors	2,619	2,890	10.3%
Petty Offenses	33,884	39,453	16.4%
Civil Consent Cases	3,016	3,695	22.5%
Without Trial	2,961	3,642	23.0%
Jury Trial	42	41	-2.4%
Nonjury Trial	13	12	-7.7%
Additional Duties			
Criminal	33,141	42,500	28.2%
[1]Motions 636(b)(1)(A)	11,950	12,109	1.3%
Motions 636(b)(1)(B)	409	293	-28.4%
Evidentiary Proceedings	191	160	-16.2%
[2]Pretrial Conferences	8,795	16,915	92.3%
Probation Revocation and Supervised Release Hearings	745	1,032	38.5%
Guilty Plea Proceedings	9,251	10,440	12.9%
[3]Other	1,800	1,551	-13.8%
Civil	27,923	27,554	-1.3%
Settlement Conferences	3,165	2,833	-10.5%
[2]Other Pretrial Conferences	3,829	4,296	12.2%
[1]Motions 636(b)(1)(A)	15,453	14,983	-3.0%
Motions 636(b)(1)(B)	958	1,559	62.7%
Evidentiary Proceedings	33	78	136.4%
Social Security	498	522	4.8%
Special Master References	67	7	-89.6%
[4]Other	3,920	3,276	-16.4%
Prisoner Petitions	5,667	6,410	13.1%
State Habeas	3,082	3,543	15.0%
Federal Habeas	354	364	2.8%
Civil Rights	2,212	2,468	11.6%
Evidentiary Proceedings	19	35	84.2%
[6]Miscellaneous Matters	13,921	15,356	10.3%

Section; Mitch Dembin, assistant U.S. attorney, U.S. Attorney's Office, Southern District of California; Steven Kalar, senior litigator, Federal Public Defender's Office, Northern District of California; and Ninth Circuit Judge M. Margaret McKeown, chair, Judicial Conference of the U.S., Committee on Codes of Conduct. Judge McKeown discussed issues that can arise when judges and their staff partake in online social networking. Magistrate Judge Dennis L. Beck, U.S. District Court of the Eastern District of California, served as moderator.

[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 mental competency hearings, motion hearings, and writs.
[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.

Caseloads Rise for Federal Public Defenders

Federal public defenders and community defenders in the Ninth Circuit saw their caseloads increase in 2010. Defenders working in the districts of Arizona, Oregon and Southern California reported the largest percentage increases.

New defender cases nationally numbered 118,094, down 4.1 percent from the prior fiscal year. Ninth Circuit defenders, however, reported an increase of 3.7 percent, opening 31,691 new cases in 2010.

New cases were most numerous in the circuit's two border courts. The District of Arizona led all offices with 10,481 new cases in 2010, up 12.6 percent from 9,307 in 2009. Of Arizona's new cases, 9,410 or 89.8 percent of the total were criminal in nature, many of them involving illegal

14 Federal Defender Organizations: Cases Opened, Closed and Pending, 2006-2010

Cases	2006	2007	2008	2009	2010	Change 2009-2010
Opened	25,779	28,676	29,700	30,552	31,691	3.7%
Closed	25,795	28,253	29,233	29,316	31,508	7.5%
Pending	8,471	8,880	9,340	10,580	10,753	1.6%

15 Federal Defender Organizations: Summary of Representations by District, 2009-2010

District	Opened 2009	Opened 2010	Change 2009-2010	Closed 2009	Closed 2010	Change 2009-2010	Pending 2010
Alaska	296	296	0.0%	329	292	-11.2%	107
Arizona	9,307	10,481	12.6%	9,169	10,419	13.6%	1,288
C. Calif.	3,546	3,436	-3.1%	3,542	3,587	1.3%	1,391
E. Calif.	2,037	2,102	3.2%	2,037	2,003	-1.7%	1,108
N. Calif.	1,274	1,147	-10.0%	1,198	1,165	-2.8%	500
[1]S. Calif.	6,853	7,259	5.9%	5,946	6,836	15.0%	2,929
Guam	127	115	-9.4%	123	118	-4.1%	72
Hawaii	550	514	-6.5%	553	458	-17.2%	526
[1]Idaho	319	302	-5.3%	330	319	-3.3%	136
[1]Montana	610	562	-7.9%	634	609	-3.9%	222
Nevada	1,254	1,043	-16.8%	1,122	1,146	2.1%	707
Oregon	1,465	1,554	6.1%	1,523	1,587	4.2%	917
[1]E. Wash.	876	847	-3.3%	862	793	-8.0%	344
W. Wash.	2,038	2,033	-0.2%	1,948	2,176	11.7%	506
Circuit Total	30,552	31,691	3.7%	29,316	31,508	7.5%	10,753
National Total	123,195	118,094	-4.1%	123,055	119,118	-3.2%	44,165
Circuit Total as % of National Total	24.8%	26.8%	2.0%	23.8%	26.5%	2.6%	24.3%

[1]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.

immigration. New cases opened in the Southern District of California totaled 7,259, up 5.9 percent from the prior year. Of the Southern District of California's new cases, 2,977 or 41 percent were criminal in nature, many of them also involving illegal immigration.

Other offices with notable increases were the District of Oregon, 1,554 new cases, up 6.1 percent, and the Eastern District of California, 2,102 new cases, up 3.2 percent.

Caseload of federal and community defenders in the circuit have varied with increases reported in six of the last eight years. The pending caseload of Ninth Circuit federal public and community defenders numbered 10,753 in 2010, a slight increase of 1.6 percent from the prior year, when 10,580 pending cases were 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 public defender and community defender offices through the Defender Services Division of the Administrative Office of the U.S. Courts.

Community defender organizations are non-profit legal service organizations staffed by non-government employees, while public defender offices are federal agencies staffed by employees of the judiciary. Both types of organizations are staffed with experienced federal criminal law practitioners who provide a consistently high level of representation. In addition to criminal defense and appeals, public defenders are assigned to court-directed prisoner and witness representations, bail/pre-sentencing, and probation and parole revocation hearings.

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 2010, the Ninth Circuit Court of Appeals announced the reappointments of two federal public defenders: John T. Gorman in the District of Guam and Sean K. Kennedy in the Central District of California. Their reappointments are effective in 2011.

Probation Officers Play Key Role in Sentencing, Supervision

United States probation officers prepare presentence investigative reports on convicted offenders and supervise offenders who have been placed on probation, supervised release, parole or conditional release. In the Ninth Circuit, some 872 probation officers are performing these duties in a variety of settings, from courthouses in large metropolitan areas to one-person offices in rural areas.

Presentence reports assist a judge in sentencing convicted offenders. Probation officers investigate the offense conduct, identify applicable guidelines and policy statements, and calculate the defendant's offense level and criminal history category. They report the resulting sentencing range, identifying factors relevant to the appropriate sentence. In the area of supervision, probation officers establish supervision plans and utilize numerous programs to foster long-term positive changes in individuals who are supervised and to reduce recidivism.

Presentence Reports

Standard guideline presentence reports are generally prepared in felony and Class A misdemeanor cases for which the U.S. Sentencing Commission has promulgated a guideline. In the Ninth Circuit, probation officers prepared 16,702 such reports in 2010, up 5.8 percent from the prior year. The majority of the presentence reports were prepared for three major offense types: immigration (44 percent), drugs (29 percent), and property offenses (11 percent). Non-guideline presentence reports, prepared for crimes in which the U.S. Sentencing Commission has not promulgated a guideline, numbered 81 in 2010, up 32.8 percent. Probation officers also completed 1,006 supplemental reports to the Bureau of Prisons for defendants who did not receive presentence report.

16 Ninth Circuit Federal Probation System: Persons Under Post-Conviction Supervision, 2009-2010

Persons Under Supervision	2009	2010	Change 2009-2010
From Courts	4,025	4,070	1.1%
From Institutions	16,546	16,976	2.6%
Total	20,571	21,046	2.3%

Offenders Under Supervision

Persons under supervision in the Ninth Circuit totaled 21,046 in 2010, up 2.3 percent from 20,571 in 2009. The circuit accounted for 16.5 percent of the national total of 127,324 persons under supervision.

Among those under supervision, 4,070 were on probation, while 16,760 were on supervised release. Another 203 persons were on parole and 13 in the custody of the BOP. The Central District of California with 5,474 cases and the District of Arizona with 3,293 cases had the most persons under supervision. The District of Northern Mariana Islands reported the greatest percentage increase, up 46.2 percent with 57 cases. The District of Idaho followed with 438 cases, up 5.8 percent from the previous year.

Five judicial districts in the Ninth Circuit reported decreases in the number of persons under supervision. The District of Guam reported 168 cases, down 8.7 percent, followed by the District of Alaska with 304 cases, down 5.9 percent. The District of Hawaii with 779 cases, down 2.6 percent; the District of Oregon with 1,060 cases, down 2.7 percent; and the District of Montana with 646 cases, down by 1.5 percent.

Drug offenders comprised the largest group of persons under supervision both in the Ninth Circuit and nationwide. In 2010, drug offenders under supervision totaled 8,673, up 4.9 percent from 8,271 in the prior year. Drug cases accounted for 41.2 percent of persons under supervision in the Ninth Circuit.

Probation offices in the Ninth Circuit have recently turned to "evidence based practices" to make decisions regarding the supervision of individual offenders, and to design

17

Ninth Circuit Federal Probation System: Persons Under Post-Conviction Supervision by District, 2009-2010

	From Courts	Referred by Institutions					
District	[1]Probation	Supervised Release	[2]Parole	[3]BOP Custody	2009 Total Cases	2010 Total Cases	Change 2009-2010
Alaska	94	207	3	0	323	304	-5.9%
Arizona	702	2,567	21	3	3,177	3,293	3.7%
C. Calif.	1,051	4,372	51	0	5,354	5,474	2.2%
E. Calif.	290	1,358	21	0	1,621	1,669	3.0%
N. Calif.	481	1,179	26	0	1,598	1,686	5.5%
S. Calif.	244	2,118	17	0	2,275	2,379	4.6%
Guam	57	102	3	6	184	168	-8.7%
Hawaii	75	700	4	0	800	779	-2.6%
Idaho	110	323	5	0	414	438	5.8%
Montana	105	533	4	4	656	646	-1.5%
Nevada	278	856	7	0	1,128	1,141	1.2%
N. Mariana Is.	21	36	0	0	39	57	46.2%
Oregon	214	825	21	0	1,089	1,060	-2.7%
E. Wash	59	437	2	0	471	498	5.7%
W. Wash.	289	1,147	18	0	1,442	1,454	0.8%
Circuit Total	4,070	16,760	203	13	20,571	21,046	2.3%

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

and deliver policies and practices that reduce recidivism. Probation officers are moving forward with initiatives built on evidence based practices, including re-entry courts, offender workforce development programs, cognitive based treatment programs, motivational interviewing skills for probation officers, moral reconation therapy programs, assisted recovery and treatment programs, and interactive journaling programs.

Revocations and Early Terminations

Ninth Circuit cases which were revoked and closed after post-conviction supervision numbered 3,483 in 2010, an increase of 21.4 percent from 2009. The Ninth Circuit had 23 percent of all cases revoked nationwide. Of the revocations, 279 were from probation sentences and 3,184 were from supervised release terms. Nationally, 15,115 cases were revoked and closed, an increase of 12.2 percent from 2009.

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 1,050 cases in 2010.

Transitions

In 2010, Michelle A. Carey was appointed as chief probation officer for the Central District of California following the retirement of Chief Loretta S. Martin, and Felix Mata was appointed as chief probation officer for the District of Hawaii following the retirement of Chief Richard Crawford.

Workload Rises for Ninth Circuit Pretrial Services Officers

United States pretrial services officers have significant roles in the federal judicial system. In the Ninth Circuit, 178 pretrial services officers contribute to the fair administration of justice, protect the community, and seek to bring about positive, long-term change to individuals under supervision.

Pretrial services officers prepare bail reports that help judges decide whether to detain or release a defendant prior to trial. They monitor and supervise those defendants who have been released, working diligently to ensure that defendants appear for court as required and do not commit any crime while awaiting trial. In addition, pretrial services officers recommend eligibility for and supervision of diversion programs in each district.

Pretrial services offices in the Ninth Circuit again ranked first nationally in the number of new cases activated. In 2010, their case activations numbered 35,457, an increase of 16.8 percent from 2009. New case activations nationwide totaled 110,547, up 5.9 percent from the prior year. The Ninth Circuit accounted for 32.1 percent of the national total of case activations, up from 29.1 percent in 2009.

Increased law enforcement efforts along the U.S.-Mexico border resulted in a significant increase in case activations in the Districts of Arizona. Pretrial services officers there opened 18,424 cases, an increase of 40.2 percent from 13,145 cases in 2009. It was the largest number of new cases in the nation.

Elsewhere in the Ninth Circuit, increases were reported by the Southern District of California with 7,305 cases, up 2.5 percent; the District of Oregon with 887 cases, up 17.8 percent; the Eastern District of California with 1,173 cases, up 9.8 percent; the District of Nevada with 956 cases, up 7.8 percent; the District of Idaho with 396 cases, up 2.1 percent; and the District of Northern Mariana Islands with 55 cases, up 103.7 percent.

Seven districts reported fewer new cases, including the Central District of California which had 2,462 cases activated in 2010, down 9.7 percent; the Western District of Washington with 1,230 cases, down 10.2 percent; the Northern District of California with 1,105 cases, down 17.4 percent; and the Eastern District of Washington, 511 cases, down 4.8 percent.

Pretrial Bail Interviews, Supervised Defendants

Total interviews conducted by pretrial services officers in the Ninth Circuit numbered 9,438, down 6.4 percent from 10,087 in 2009. Pre-bail written reports increased by 17.3 percent to 34,435 from 29,352, while post-bail reports decreased by 7.1 percent to 618 cases from 665 cases.

Pretrial services officers made recommendations to the court in 97 percent of cases with interviews, compared to the national average of 92.5 percent. Detention was recommended in 79 percent of all cases in 2010, up from 73.9 in 2009. In comparison, offices of the U.S. attorneys in the circuit made recommendations in 97 percent of cases, and detention was recommended in 73.6 percent of cases, up from 69.8 percent in 2009.

In 2010, 5,398 defendants in the Ninth Circuit were released from custody to pretrial services supervision, up 1.3 percent the previous year. Of these, 4,280 were released on standard pretrial services supervision, up 2.1 percent from 2009; 981 were supervised on a courtesy basis from another district or circuit, down 3.8 percent; and 137 were on pretrial diversion caseloads, down 15.1 percent.

18 Pretrial Services Cases Activated in Ninth Circuit Courts 2009-2010

Caseload Measure	2009	2010	Change 2009-2010
[1]Reports	29,352	34,435	17.3%
Interviews	10,087	9,438	-6.4%
Cases Activated	30,369	35,457	16.8%

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

Nonappearance and Re-Arrest Rates

The rate of bail revocations due to nonappearance and/or re-arrest of supervised defendants remained significantly low in 2010. The rate of nonappearance in the circuit was just .5 percent. The 15 district courts of the Ninth Circuit revoked the bail of 111 defendants who absconded from supervision.

Violations

Of 12,479 cases in release status in 2010, 1,269 had violations reported to the court. They include 86 violations for felony re-arrest, 110 for misdemeanor re-arrest, 34 for other re-arrest violations, and 59 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 1,187 reported violations.

Transition

In 2010, Brian Crist was appointed as chief pretrial services officer for the District of Oregon following the retirement of Chief Cynthia G. Swearingen.

19 Pretrial Workload, 2009-2010

	Defendant Contact		Written Reports					
District	Interviewed	[1]Not Interviewed	[2]Prebail	Postbail	No Reports Made	Total Cases Activated 2009	Total Cases Activated 2010	Change 2009-2010
Alaska	67	125	189	0	3	192	192	0.0%
Arizona	1,781	16,643	18,304	56	64	13,145	18,424	40.2%
C. Calif.	1,426	1,036	2,450	8	4	2,726	2,462	-9.7%
E. Calif.	429	744	1,103	20	50	1,068	1,173	9.8%
N. Calif.	442	663	745	348	12	1,337	1,105	-17.4%
S. Calif.	3,205	4,100	7,187	77	41	7,128	7,305	2.5%
Guam	60	23	82	0	1	88	83	-5.7%
Hawaii	241	40	280	1	0	295	281	-4.7%
Idaho	95	301	383	1	12	388	396	2.1%
Montana	237	160	385	8	4	428	397	-7.2%
Nevada	543	413	948	6	2	887	956	7.8%
N. Mariana Is.	55	0	55	0	0	27	55	103.7%
Oregon	321	566	885	1	1	753	887	17.8%
E. Wash	144	367	292	13	206	537	511	-4.8%
W. Wash.	392	838	1,147	79	4	1,370	1,230	-10.2%
Circuit Total	9,438	26,019	34,435	618	404	30,369	35,457	16.8%
National Total	63,012	47,535	101,294	5,962	3,291	104,248	110,547	6.0%
Circuit % of National	15.0%	54.7%	34.0%	10.4%	12.3%	29.1%	32.1%	2.9%

Note: This table excludes data for the District of Columbia and includes transfers received.
[1]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.
[2]Includes prebail reports with and without recommendations, and includes types of reports categorized in previous periods as "other reports."

Juror Utilization

Juror Utilization, 2009-2010

20

District	Grand Juries Empaneled, 2010	Petit Juries Selected, 2010	Petit Juror Utilization Rate [1]Percent Not Selected or Challenged 2009	2010	Change 2009-2010
Alaska	3	16	44.2	42.8	-1.4
Arizona	16	107	37.6	36.1	-1.5
C. Calif.	37	172	63.9	56.0	-7.9
E. Calif.	11	86	49.3	51.8	2.5
N. Calif.	6	72	48.5	39.4	-9.1
S. Calif.	8	106	43.8	47.8	4.0
Guam	2	5	49.6	58.6	9.0
Hawaii	6	21	44.2	37.9	-6.3
Idaho	6	17	24.4	36.8	12.4
Montana	4	38	30.5	33.7	3.2
Nevada	5	51	50.4	37.6	-12.8
N. Mariana Is.	1	3	46.1	51.6	5.5
Oregon	9	39	39.0	30.4	-8.6
E. Wash.	7	17	40.6	33.6	-7.0
W. Wash.	4	40	26.5	34.0	7.5
Circuit Total	125	790	***	***	
Circuit Average	8	53	42.5	41.9	-0.6
National Total	784	5,332	***	***	
National Average	8	57	39.9	38.7	-1.2

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

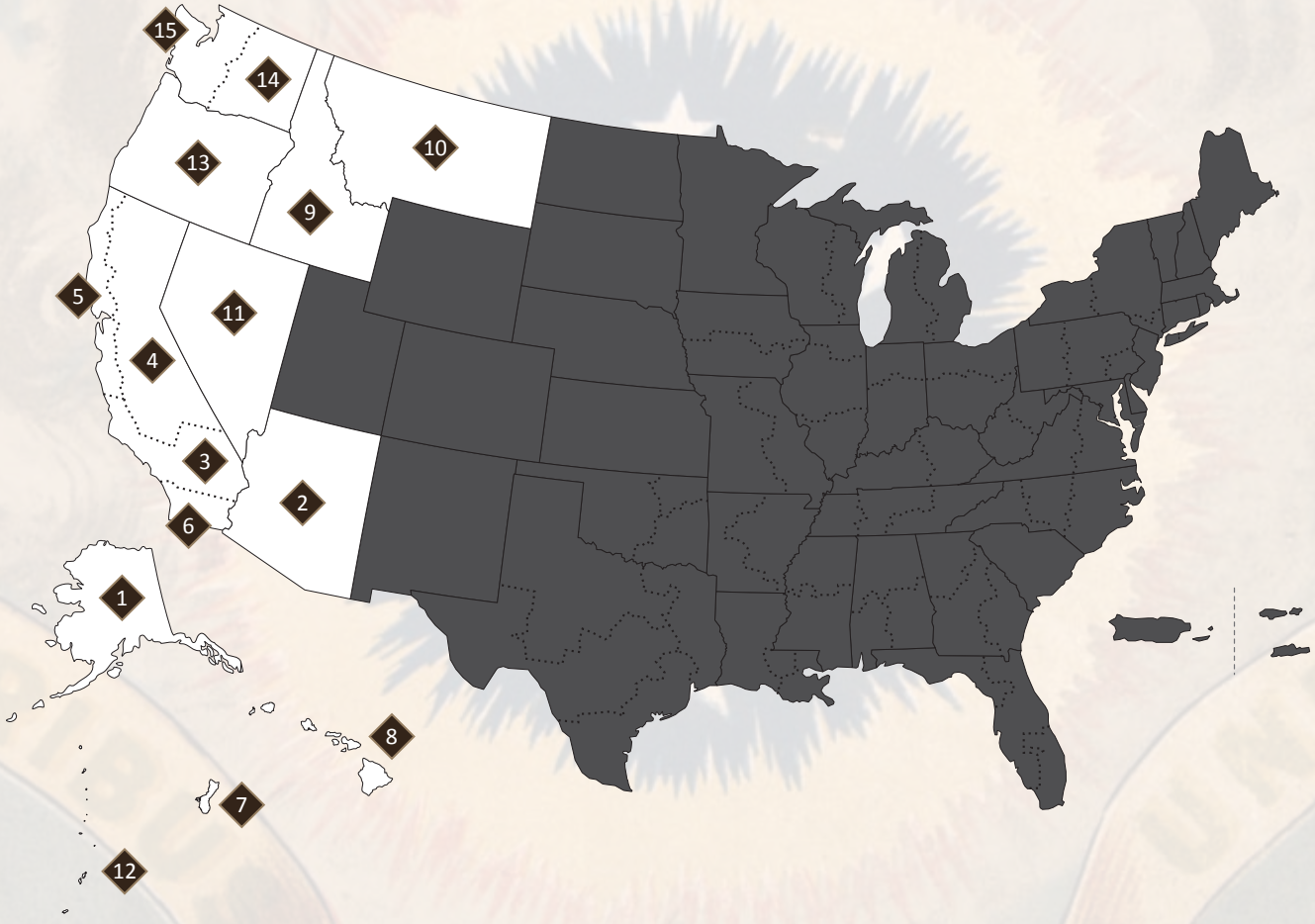
[1]Includes jurors who completed pre-screening questionnaires or were in the courtroom during the conducting of *voir dire* but were not selected or challenged. Also includes jurors, not selected or challenged, who were not called to the courtroom or otherwise did not participate in the actual *voir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

Court Interpreters

21 Interpreter Usage by District Courts, 2010

Languages	AK	AZ	CAC	CAE	CAN	CAS	GU	HI	ID	MT	NV	NMI	OR	WAE	WAW	Total
Arabic	0	9	71	21	6	10	0	0	0	0	1	0	0	0	3	121
Armenian	0	0	189	17	1	0	0	0	0	0	2	0	0	0	0	209
Cantonese	0	6	76	189	204	25	0	0	0	0	7	0	0	0	3	510
Farsi	0	0	26	0	8	11	0	0	0	0	0	0	0	0	4	49
Japanese	3	0	8	3	1	1	0	6	0	0	0	0	0	0	1	23
Korean	3	5	96	8	50	31	20	10	0	0	2	0	1	0	25	251
Mandarin	0	52	174	25	58	19	13	1	11	0	16	0	0	0	17	386
Navajo (Certified)	0	162	0	0	0	0	0	0	0	0	0	0	0	0	0	162
Navajo (Non-Certified)	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Russian	0	0	19	14	10	4	0	0	1	4	8	0	4	0	15	79
Sign (American)	2	3	0	2	10	3	0	0	0	1	3	0	20	0	1	45
Sign (Mexican)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Spanish Staff	65	68,946	1,689	1,455	622	23,442	0	0	0	0	675	0	432	0	0	97,326
Spanish (Certified)	2	9,971	3,871	1,878	1,846	848	0	13	46	13	320	0	932	946	779	21,465
Spanish (Non-Certified)	0	43	0	3	0	0	0	36	549	91	314	0	79	66	12	1,193
Tagalog	4	0	54	0	6	1	6	2	0	0	0	0	0	0	5	78
Vietnamese	0	0	120	34	101	10	0	0	0	1	0	0	5	38	59	368
All Others	0	717	142	184	50	158	4	14	1	3	17	0	9	1	48	1,348
Total	79	79,917	6,535	3,833	2,973	24,563	43	82	608	113	1,365	0	1,482	1,051	972	123,616

District Caseloads



1. Alaska
2. Arizona
3. Central California
4. Eastern California
5. Northern California
6. Southern California
7. Guam
8. Hawaii
9. Idaho
10. Montana
11. Nevada
12. N. Mariana Islands
13. Oregon
14. Eastern Washington
15. Western Washington

District Caseloads

AK District of Alaska

Caseload Measure	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	545	516	-5.3%	172
Terminations	584	541	-7.4%	180
[1]Pending	569	544	-4.4%	181
Bankruptcy Court				
Filings	933	1,132	21.3%	566
Terminations	910	1,086	19.3%	543
[1]Pending	1,139	1,185	4.0%	593

[1]2009 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	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	8,890	10,596	19.2%	815
Terminations	7,946	9,934	25.0%	764
[1]Pending	5,827	6,489	11.4%	499
Bankruptcy Court				
Filings	31,017	42,216	36.1%	6,031
Terminations	20,009	31,175	55.8%	4,454
[1]Pending	31,904	42,947	34.6%	6,135

[1] 2009 total pending cases revised.
[2] Includes one authorized temporary judgeship.
[3] Bullhead City and Kingman apply only to the bankruptcy court.

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

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

CAC Central District of California

Caseload Measure	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	15,164	15,279	0.8%	546
Terminations	14,946	15,243	2.0%	544
[1]Pending	12,539	12,575	0.3%	449
Bankruptcy Court				
[2]Filings	97,481	138,585	42.2%	5,774
Terminations	67,610	131,030	93.8%	5,460
[1]Pending	73,550	81,117	10.3%	3,380

[1] 2009 total pending cases revised.
[2] 2009 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, [5]San Fernando Valley, Santa Ana, [5]Santa Barbara

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

CAE Eastern District of California

Caseload Measure	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	6,665	6,835	2.6%	1,139
Terminations	6,177	6,332	2.5%	1,055
[1]Pending	8,499	9,002	5.9%	1,500
Bankruptcy Court				
Filings	44,023	54,389	23.5%	7,770
Terminations	36,930	47,143	27.7%	6,735
[1]Pending	27,395	34,639	26.4%	4,948

[1] 2009 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
[2]Bankruptcy	7
Magistrate	
Full-time	12
Part-time	0

CAN Northern District of California

Caseload Measure	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	7,112	6,931	-2.5%	495
Terminations	6,923	8,191	18.3%	585
[1]Pending	8,718	7,458	-14.5%	533
Bankruptcy Court				
[2]Filings	30,052	38,632	28.6%	4,292
Terminations	21,971	34,176	55.6%	3,797
[1]Pending	29,638	34,093	15.0%	3,788

[1] 2009 total pending cases revised.
[2] 2009 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	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	8,034	8,059	0.3%	620
Terminations	8,308	8,692	4.6%	669
[1]Pending	5,561	4,928	-11.4%	379
Bankruptcy Court				
Filings	19,282	23,509	21.9%	5,877
Terminations	16,379	21,205	29.5%	5,301
[1]Pending	10,780	13,083	21.4%	3,271

[1] 2009 total pending cases revised.
[2] El Centro applies only to the district court.

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

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

District Caseloads

GU District of Guam

Caseload Measure	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	103	105	1.9%	105
Terminations	98	98	0.0%	98
[1]Pending	116	123	6.0%	123
Bankruptcy Court				
Filings	212	211	-0.5%	385
Terminations	153	218	42.5%	271
[1]Pending	173	166	-4.0%	327

Note: The Guam district judge also handles all bankruptcy cases.
[1] 2009 total pending cases revised.

Authorized place of holding court:
Hagatna

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

HI District of Hawaii

Caseload Measure	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	1,033	1,293	25.2%	323
Terminations	1,169	1,344	15.0%	336
[1]Pending	1,099	1,048	-4.6%	262
Bankruptcy Court				
Filings	2,941	3,862	31.3%	3,862
Terminations	2,439	3,290	34.9%	3,290
Pending	2,072	2,644	27.6%	2,644

[1] 2009 total district court pending cases revised.
[2] Includes one authorized temporary judgeship.

Authorized place of holding court:
Honolulu

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

ID District of Idaho

Caseload Measure	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	941	986	4.8%	493
Terminations	856	916	7.0%	458
[1]Pending	935	1,005	7.5%	503
Bankruptcy Court				
[2]Filings	7,203	8,392	16.5%	4,196
Terminations	6,442	7,261	12.7%	3,631
Pending	6,305	7,436	17.9%	3,718

[1] 2009 total district court pending cases revised.
[2] 2009 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, [3]Twin Falls

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

MT District of Montana

Caseload Measure	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	984	854	-13.2%	285
Terminations	1,054	1,028	-2.5%	343
[1]Pending	965	791	-18.0%	264
Bankruptcy Court				
Filings	2,593	3,167	22.1%	3,167
Terminations	2,192	2,656	21.2%	2,656
[1]Pending	3,089	3,600	16.5%	3,600

[1] 2009 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	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	3,884	3,787	-2.5%	541
Terminations	3,158	3,492	10.6%	499
[1]Pending	3,938	4,233	7.5%	605
Bankruptcy Court				
[2]Filings	27,560	30,637	11.2%	7,659
Terminations	14,162	33,960	139.8%	8,490
[1]Pending	34,326	31,003	-9.7%	7,751

[1] 2009 total pending cases revised.
[2] 2009 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	4
Magistrate	
Full-time	7
Part-time	0

NMI District of Northern Mariana Islands

Caseload Measure	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	72	74	2.8%	74
Terminations	61	64	4.9%	64
[1]Pending	93	103	10.8%	103
Bankruptcy Court				
Filings	11	9	-18.2%	32
Terminations	6	7	16.7%	12
Pending	26	28	7.7%	49

Note: The Northern Mariana Islands district judge also handles all bankruptcy cases.
[1] 2009 total pending cases revised.

Authorized place 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	2009	20010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	2,832	3,018	6.6%	503
Terminations	2,933	2,903	-1.0%	484
[1]Pending	2,960	3,075	3.9%	513
Bankruptcy Court				
Filings	17,200	20,460	19.0%	4,092
Terminations	14,412	17,974	24.7%	3,595
[1]Pending	17,408	19,890	14.3%	3,978

[1] 2009 total pending cases revised.
[2] Bend, Coos Bay, Redmond, Roseburg, and Salem apply only to the bankruptcy court.

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

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

WAE Eastern District of Washington

Caseload Measure	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	1,069	1,143	6.9%	286
Terminations	1,060	1,022	-3.6%	256
[1]Pending	875	996	13.8%	249
Bankruptcy Court				
Filings	7,070	7,471	5.7%	3,736
Terminations	6,641	7,313	10.1%	3,657
[1]Pending	5,857	6,015	2.7%	3,008

[1] 2009 total pending cases revised.
[2] Richland and Walla Walla apply only to the district court.

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

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

WAW Western District of Washington

Caseload Measure	2009	2010	Change 2009-2010	Per Judgeship Unweighted 2010
District Court				
Filings	3,662	4,067	11.1%	581
Terminations	3,874	3,946	1.9%	564
[1]Pending	3,496	3,617	3.5%	517
Bankruptcy Court				
[2]Filings	22,450	26,671	18.8%	5,334
Terminations	18,206	23,158	27.2%	4,632
[1]Pending	20,143	23,660	17.5%	4,732

[1] 2009 total pending cases revised.
[2] 2009 total bankruptcy filings revised.

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

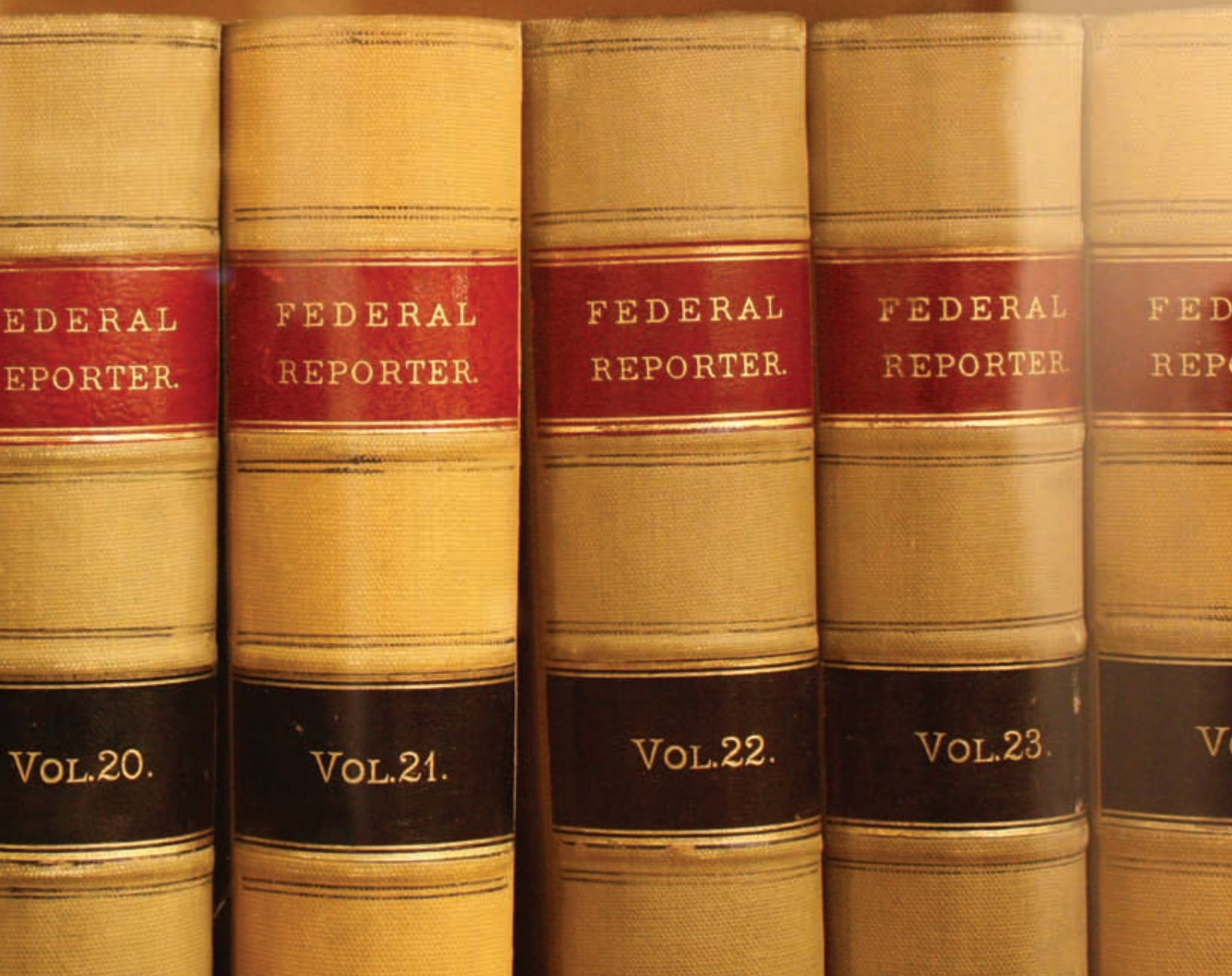
Authorized Judgeships	
District	7
Bankruptcy	5
Magistrate	
Full-time	5
Part-time	2

The Office of the Circuit Executive would like to acknowledge the following for their contributions to the 2010 Ninth Circuit Annual Report:

Chief Judge Alex Kozinski
Cathy A. Catterson, *Circuit and Court of Appeals Executive*
Molly C. Dwyer, *Clerk of Court*
Mario Moreno, *Chief Probation Officer, District of Arizona*
Susan M. Spraul, *Clerk, Bankruptcy Appellate Panel*
Robert Walch, *Senior Deputy Clerk, Pioneer Courthouse Project Manager (2001–2005), Ninth Circuit Court of Appeals*

Photographs and design details in this report were adapted from new and archived images of the Pioneer Courthouse in Portland, Oregon. More details of the renovation and rededication of the courthouse can be found starting on page 38 of this publication.

Photographs provided by GSA; Robert Walch; Rollins Emerson, *Court Archivist*; and the Office of the Circuit Executive.



Office of the Circuit Executive
Cathy A. Catterson, Circuit & Court of Appeals Executive
P.O. Box 193939, San Francisco, CA 94119-3939
Ph: (415) 355-8900, Fax: (415) 355-8901
http://www.ca9.uscourts.gov