

# 2017 ANNUAL REPORT

UNITED STATES  
COURTS FOR THE  
NINTH CIRCUIT





The Office of the Circuit Executive would like to acknowledge the following for their contributions to the 2017 Ninth Circuit Annual Report:

Chief Judge Sidney R. Thomas, Ninth Circuit Court of Appeals  
Elizabeth A. Smith, Circuit Executive, Ninth Circuit  
Molly C. Dwyer, Clerk of Court, Ninth Circuit Court of Appeals  
Susan M. Spraul, Clerk, Ninth Circuit Bankruptcy Appellate Panel  
Kathleen J. Campbell, Bankruptcy Clerk, Central District of California  
Tom Holter, Chief Probation Officer, District of Montana  
Robyn Lipsky, Executive Director, Ninth Judicial Circuit Historical Society  
Ninth Circuit Library Staff

# THE JUDICIAL COUNCIL OF THE NINTH CIRCUIT



## MISSION STATEMENT

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

### *The Judicial Council of the Ninth Circuit*

*Seated from left are Circuit Judge Jay S. Bybee, District Judge Ann L. Aiken, Chief Circuit Judge Sidney R. Thomas, Circuit Judge Milan D. Smith, Jr., Senior District Judge Susan Oki Mollway and Circuit Executive Elizabeth A. Smith. Standing from left are Chief Pretrial Services Officer Roy Saenz, District Court Clerk Brian D. Karth, Chief Probation Officer Tom Holter, Bankruptcy Court Clerk Beverly A. Benka, Chief Magistrate Judge James P. Donohue, Chief Bankruptcy Judge Sheri Bluebond, District Judge Andrew J. Guilford, Senior District Judge Claudia Wilken, Chief District Judge J. Michael Seabright, and Circuit Judge N. Randy Smith.*

*Not present: Senior Circuit Judge William C. Canby, Jr., Circuit Judge Mary H. Murguia, Chief District Judge Barry Ted Moskowitz, Chief District Judge Virginia A. Phillips, District Court Clerk Marianne Matherly, and Chief Pretrial Services Officer George Walker.*

# Table of Contents

## NINTH CIRCUIT OVERVIEW

|                                                         |   |
|---------------------------------------------------------|---|
| Foreword                                                | 1 |
| Ninth Circuit Overview                                  | 3 |
| Judicial Council, Advisory Groups<br>and Administration | 4 |

## JUDICIAL TRANSITIONS

|                                                              |    |
|--------------------------------------------------------------|----|
| New Judges                                                   | 7  |
| Senior Judges                                                | 10 |
| In Memoriam                                                  | 11 |
| Ninth Circuit Court of Appeals Loses<br>Two Esteemed Jurists | 15 |

## NINTH CIRCUIT HIGHLIGHTS

|                                                                                                                                    |    |
|------------------------------------------------------------------------------------------------------------------------------------|----|
| Ninth Circuit Symposium Engages in Discussion<br>of Civility                                                                       | 17 |
| Ninth Circuit, Central District of California Host<br>2017 Media Conference                                                        | 19 |
| Ninth Circuit Welcomes New Law Clerks                                                                                              | 20 |
| Civil Rights Icon Judge Thelton Henderson Retires<br>For Magistrate Judges, Mediation Training<br>Program Fills a Void             | 21 |
| Ninth Circuit Judicial Conference Returns<br>to San Francisco                                                                      | 22 |
| Ninth Circuit Judicial Conference Awards Honor<br>Oregon District Judge and Spokane Attorney                                       | 23 |
| Judicial Conference Programs Emphasize<br>Civics Education                                                                         | 26 |
| Civics Contest Winners Hail from Five States<br>With Exhibits, Events and Website,<br>Historical Society Advances Public Education | 28 |
| New Website Promotes Collaboration in<br>Court Outreach                                                                            | 30 |
| Bankruptcy Court Seeks to Curb Exploitation<br>of Pro Se Filers                                                                    | 31 |
| Federated States of Micronesia Hosts Biennial<br>Conference for Judicial Officers and Court Staff                                  | 32 |
| Idaho Judge Candy Dale Is New JCUS<br>Magistrate Judge Observer                                                                    | 33 |
|                                                                                                                                    | 35 |

|                                                                    |    |
|--------------------------------------------------------------------|----|
| 2017 Awards                                                        | 36 |
| Retirement Marks End of an Era for<br>Ninth Circuit Administration | 37 |
| Ninth Circuit Finds New Circuit Executive<br>Close to Home         | 38 |
| Administrative Changes in the<br>Ninth Circuit                     | 39 |
| First All-Female Ninth Circuit BAP Panel                           | 40 |

## SPACE AND SECURITY

|                                                                           |    |
|---------------------------------------------------------------------------|----|
| Construction Begins for New Courthouse<br>in the Northern Mariana Islands | 41 |
| Ninth Circuit Courts to Exceed Space<br>Reduction Goals                   | 42 |

## WORK OF THE COURTS

|                                                                           |    |
|---------------------------------------------------------------------------|----|
| Court of Appeals Reduces Pending<br>Cases, Improves Processing Times      | 43 |
| While Criminal Filings Rise, District<br>Courts Caseloads Decline Overall | 47 |
| Decline in Bankruptcy Filings<br>Slows in 2017                            | 51 |
| Bankruptcy Appellate Panel Reduces<br>Pro Se Caseload                     | 54 |
| Magistrate Judges See Increases in<br>Criminal, Civil Duties              | 56 |
| Federal Public Defenders Circuit Wide<br>See Downturn in New Cases        | 59 |
| Ninth Circuit Probation Offices See<br>Increase in Revocations            | 61 |
| Number of Defendants Under Pretrial<br>Supervision Holds Steady           | 64 |
| Juror Utilization                                                         | 67 |
| Interpreter Usage by District Courts                                      | 68 |
| District Caseloads                                                        | 69 |

# Foreword

Equal justice and accountability are among the core values which guide the Judiciary in the administration of justice. These principles are put into practice every day by the federal courts serving the western United States and Pacific islands. Our judges and staff continue to perform outstanding work in the administration of justice in the West. I offer my profound thanks to all of them for their hard work and dedication.



CHIEF JUDGE  
SIDNEY R. THOMAS

*The 2017 Ninth Circuit Annual Report* provides statistical workload summaries, makes note of judicial transitions, and updates current court construction projects. It also highlights some of the many programs and initiatives undertaken in 2017 by the Judicial Council of the Ninth Circuit and its advisory and standing committees.

Equal justice means fairness and impartiality in the administration of justice. Through educational programs offered over the years at our circuit conferences or organized by our Fairness Committee, Ninth Circuit judges have learned much about implicit bias – the unconscious attitudes and stereotypes that affect our perceptions, actions and decisions. Judges are now sharing that knowledge with would-be jurors, often in their comments prior to voir dire and through video presentations.

Equal justice also means making court processes more accessible and understandable, particularly to self-represented litigants who comprise significant portions of the caseloads in all of our courts. In the Ninth Circuit last year, pro se litigants were responsible for 44.5 percent of new appeals, 30.2 percent of new civil cases in the district courts, and 15.5 percent of new bankruptcy filings. The Ninth Circuit and virtually all of the courts within the circuit have established pro se committees, and there are numerous law clerks around the circuit who work exclusively on pro se cases.

As prison inmates account for the vast majority of pro se filings, district courts are working more closely with corrections officials and state attorneys general. This collaboration, which was organized by the Ninth Circuit Pro Se Litigation Committee, led to a nine-state “corrections summit” in 2015 with a similar gathering planned in 2018. Bankruptcy courts, meanwhile, are engaged in public education efforts to curtail exploitation of pro se filers by unscrupulous bankruptcy petition preparers, who often overcharge, provide inaccurate or misleading legal advice, and fail to perform necessary filing tasks.

Good stewardship of public funds and property and the effective and efficient use of resources are hallmarks of accountability. In 2017, the Ninth Circuit led the way in a Judiciary-wide effort to reduce building space needs. Through creative ideas and greater use of technology, courts in the Ninth Circuit released more than 200,000 square feet of space, which is equivalent to the floor space in a mid-sized courthouse. The circuit’s Space and Security Committee oversees this ongoing effort, which is expected to save taxpayers up to \$10 million in annual rents. Separately, an ad hoc committee of judges and staff is delving into how courts are sharing resources, thus further reducing costs by avoiding duplicative services. We expect a report on resource sharing in 2018.

We have also been good stewards of public funds in the provision of legal counsel to indigent defendants as required under the Sixth Amendment and the

Criminal Justice Act. In consultation with district judges, case budgeting attorneys from the Office of the Circuit Executive work with CJA panel attorneys to reduce costs without compromising the effectiveness of legal representation. Their work is estimated to save more than \$1 million annually.

Accountability also means adhering to stringent standards of conduct and legal and ethical rules. This was evident last year in the Judiciary's comprehensive response to the issue of workplace harassment. The Ninth Circuit Workplace Environment Initiative, which I established late in the year, is part of a national effort to assure a healthy and productive work environment for our law clerks and staff. I have appointed a committee of judges and an attorney specializing in employment matters to reexamine workplace policies and procedures in all of our courts. The committee's primary work should be completed by our Judicial Conference in August 2018.

Although our dockets remain crowded, new filings decreased in fiscal year 2017. While federal courts nationally reported fewer new cases, the decline was generally less pronounced in the Ninth Circuit. At the appellate level, new filings in the Ninth Circuit were down 3.3 percent while falling 16.3 percent nationally. District courts of the circuit reported 1.4 percent fewer new civil and criminal cases compared to a 6.7 percent national decline. Ninth Circuit bankruptcy filings were down 5.2 percent, exceeding a 1.8 percent national decline, which speaks well for the economy in the West.

The Ninth Circuit Court of Appeals continued to reduce its pending caseload and case processing times in fiscal year 2017. The court's pending cases were down 5.8 percent while the median time interval from filing of a notice of appeal to final disposition was 13 months, down from 15.2 months the prior fiscal year. The positive changes resulted from a concerted effort to remove or resolve older, stalled cases while expediting disposition of matters ready for panel consideration.

Judicial vacancies continue to accumulate at an alarming rate throughout the circuit. The Ninth Circuit Court of Appeals ended the year with five of

29 judgeships, or 17 percent, vacant. In the district courts, 17 of 112 judgeships, or 15 percent, were vacant at year's end. All of the current vacancies on the court of appeals and nine of 17 district court vacancies are considered judicial emergencies based on duration and/or caseload factors. The hard work of senior judges has helped to avert a crisis for now.

The Senate confirmed one new district judge during the year, but took no action on two other nominations. We welcome Judge David C. Nye of the U.S. District Court for the District of Idaho, who took the bench in July. Three new bankruptcy judges were appointed by the Ninth Circuit Court of Appeals while judges of district courts appointed five new magistrate judges.

2017 saw the passing of a dozen current and former judges of Ninth Circuit courts, all of whom made important contributions to the law and their communities. The group included two esteemed colleagues, Senior Circuit Judges John T. Noonan, Jr., and Harry Pregerson, and Senior District Judge William W. Schwarzer of the U.S. District Court for the Northern District of California, a former director of the Federal Judicial Center and the 2004 recipient of the Judiciary's highest honor, the American Judicature Society's Edward J. Devitt Distinguished Service to Justice Award. Many in the Ninth Circuit also mourned the untimely passing at age 52 of District Judge Beverly Reid O'Connell of the U.S. District Court for the Central District of California.

There were a number of changes in court administration during the year, none more notable than the retirement of Circuit and Court of Appeals Executive Cathy A. Catterson, who has served the Judiciary for nearly 40 years. As clerk of court for the Ninth Circuit Court of Appeals for many years, she was the center of gravity for many judges and will be missed. She is succeeded by Elizabeth A. Smith, formerly clerk of court for the U.S. district and bankruptcy courts in Idaho. Libby will do an outstanding job as Circuit Executive.

I invite you to browse through this annual report. I hope you find it useful in providing 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 district and bankruptcy courts in the 15 judicial districts within the circuit, and associated administrative units that provide various services to the court.

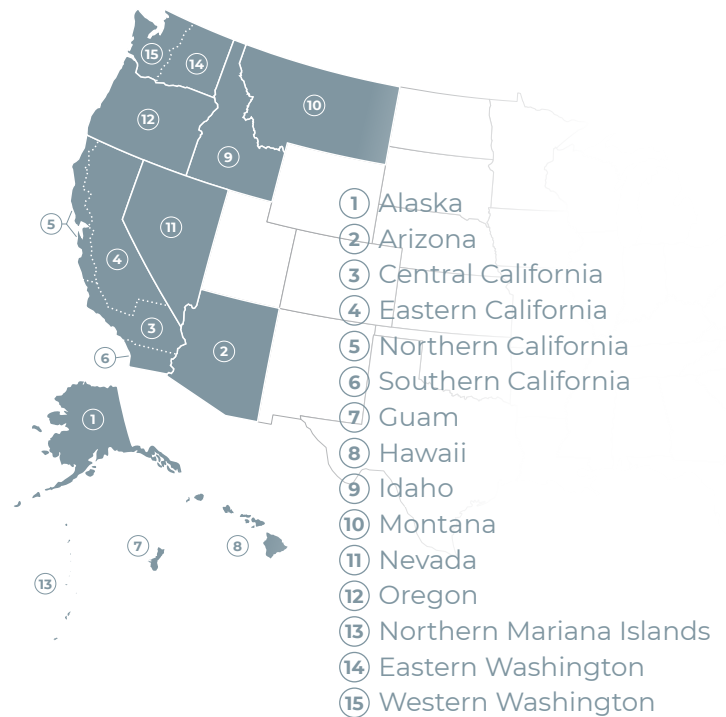
Judicial districts within the Ninth Circuit include the districts of Alaska, Arizona, Central California, Eastern California, Northern California, Southern California, Hawaii, Idaho, Montana, Nevada, Oregon, Eastern Washington, Western Washington, the U.S. Territory of Guam and the Commonwealth of the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

Judges serving on the circuit and district courts are known as Article III judges, a reference to the article in the Constitution establishing the federal judiciary. Nominated by the president and confirmed by the Senate, Article III judges serve lifetime appointments upon good behavior. The Ninth Circuit Court of Appeals is authorized 29 judgeships and ended 2017 with five vacancies. For most of the year, the district courts of the circuit were authorized 112 judgeships, 17 of which were vacant at the end of the year.

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

On the Ninth Circuit Court of Appeals, 17 senior circuit judges were at work for most of the year, sitting on motions and merits panels, serving on circuit and national judicial committees, and handling a variety of administrative matters. In district courts within the circuit, 67 senior judges were at work, hearing cases, presiding over procedural matters, serving on committees, and conducting other business in 2017.

## Ninth Circuit Districts



In addition to Article III judges, the federal bench includes Article I judges, who serve as magistrate judges in the district courts and bankruptcy judges in the bankruptcy courts. Bankruptcy judges are appointed by judges of the courts of appeals and serve terms of 14 years. Magistrate judges are appointed by the judges of each district court and hold their positions for eight years. Bankruptcy and magistrate judges may be reappointed after the court conducts a performance review and considers public comment.

In 2017, bankruptcy courts in the Ninth Circuit were authorized 68 permanent and five temporary judgeships. The district courts were authorized 105 full-time and nine part-time magistrate judges, and one combined position of part-time magistrate/clerk of court. Several courts also utilized recalled bankruptcy and recalled magistrate judges.

Overall, the Ninth Circuit courts experienced reduced caseloads in 2017. Unless otherwise noted, statistics in this report cover fiscal year 2017 ending September 30. 🔑

# Judicial Council, Advisory Groups & Administration

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

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

The judicial council is chaired by the chief judge of the circuit and relies on advisory groups and committees to accomplish its governance goals. Chairs of three advisory groups attend council meetings as observers and sometimes as voting members. Committee chairs report to the council as needed.

Newly appointed in 2017 as voting members of the judicial council were Circuit Judge Jay S. Bybee and Chief District Judge J. Michael Seabright of the District of Hawaii. Newly appointed in 2017 as observers were Chief Bankruptcy Judge Sheri Bluebond of the Central District of California, District Judge Andrew J. Guilford of the Central District of California, District Court Clerk Marianne Matherly of the Eastern District of California, Bankruptcy Court Clerk Beverly A. Benka of the Eastern District of Washington, Chief Probation

Officer Tom Holter of the District of Montana, and Chief Pretrial Services Officer George Walker of the Central District of California.

Under the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the Judicial Council of the Ninth Circuit considers petitions for review of the chief judge's orders in judicial misconduct complaints. In 2017, there were 25 petitions for review filed, all of which were resolved by the judicial council.

## **Conference of Chief District Judges**

The Conference of Chief District Judges advises the Judicial Council regarding the administration of justice in the circuit's 15 district courts. The conference, which meets twice a year, is comprised of the chief district judges of each district. Chief District Judge Ramona Villagomez Manglona of the District of the Northern Mariana Islands has served as chair since January 2016 and chaired the conference until February 2017. Chief District Judge Barry Ted Moskowitz of the Southern District of California succeeded her as chair.

## **Conference of Chief Bankruptcy Judges**

The Conference of Chief Bankruptcy Judges advises the Judicial Council on the administration of bankruptcy courts within the circuit. The conference, which also meets twice per year, consists of chief bankruptcy judges from each district, the chief bankruptcy judge of the Ninth Circuit Bankruptcy Appellate Panel, and a recalled bankruptcy judge representative. Chief Bankruptcy Judge Brian D. Lynch of the Western District of Washington chaired the conference until September 2017.

Elevated to chief bankruptcy judge of the Bankruptcy Appellate Panel in 2017 was Bankruptcy Judge Frank L. Kurtz of the Eastern District of Washington. Newly appointed in 2017 to the conference and as chief judge of the U.S. Bankruptcy Court for the District of Montana was Benjamin P. Hursh.

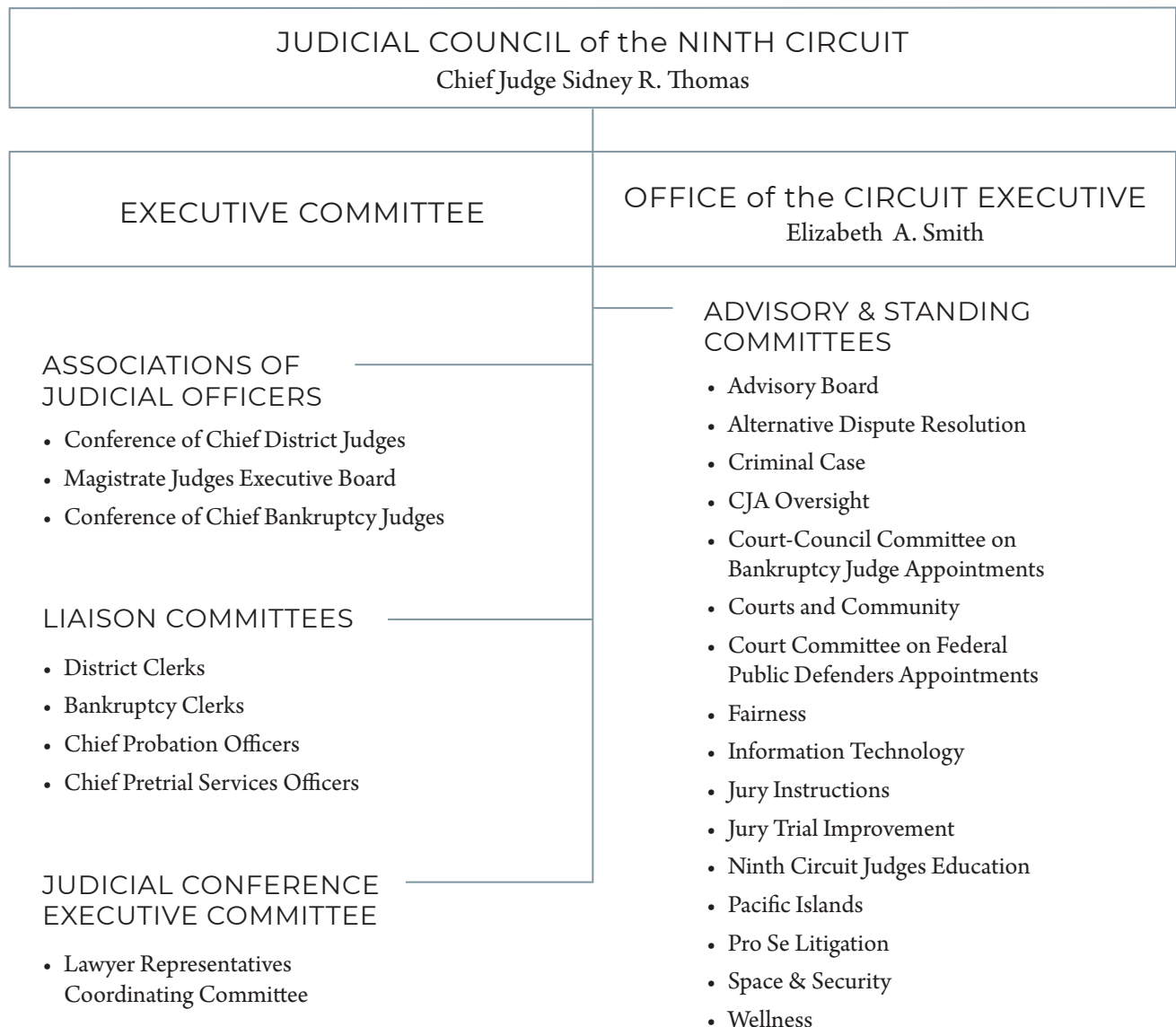
### Magistrate Judges Executive Board

The Magistrate Judges Executive Board communicates to the Judicial Council on behalf of the more than 120 full-time, part-time and recalled magistrate judges serving in the district courts. The 15-member board meets twice a year and holds a session with all magistrate judges at the Ninth

Circuit Judicial Conference. The board is chaired by Chief Magistrate Judge James P. Donohue of the Western District of Washington, who assumed the gavel in July 2016.

### Clerks of Court

Daily management of the courts rests with the chief judges and clerks and/or district executives of the court of appeals and each of the district and bankruptcy courts of the circuit. The clerks' offices process new cases and appeals, handle docketing functions, respond to procedural questions from the public and bar, and ensure adequate judicial staff resources. The clerk of the 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 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 critical 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 defenders or community defenders, who represent indigent defendants unable to afford private counsel. Indigent defendants in the District of Northern Mariana Islands are represented by private attorneys provided by the District of Guam and paid through the federal Criminal Justice Act.

### **Circuit Libraries**

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

### **Office of the Circuit Executive**

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

### **Lawyer Representatives**

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

## New Judges

### District Judge



David C. Nye was confirmed as a judge of United States District Court for the District of Idaho on July 12, 2017, and received his commission on the same day. Prior to his appointment, Judge Nye

had served as a judge of the Idaho Sixth Judicial District since 2007. Judge Nye was engaged in private practice with the law firm of Merrill & Merrill in Pocatello, Idaho, from 1987 to 2007. Judge Nye received his B.A. from Brigham Young University in 1982 and his J.D. from BYU's J. Reuben Clark Law School in 1986. Following law school, he clerked for Judge George G. Granata of the Fifth Judicial District Court of Idaho from 1986 to 1987. Judge Nye maintains chambers in Boise.

### Bankruptcy Judges



David W. Hercher was appointed as a bankruptcy judge for the District of Oregon on January 23, 2017. Prior to his appointment, Judge Hercher had practiced with the law firm of Miller Nash Graham & Dunn LLP

since 1981, becoming an equity partner in 1989. He has been board certified in business bankruptcy law by the American Board of Certification since 1993. Judge Hercher received his bachelor's degree, with honors, from the University of Oregon in 1977 and his J.D. in 1981 from the University of California, Berkeley, School of Law, where he was managing editor of the Ecology Law Quarterly. He maintains chambers in Portland.



Mary Jo Heston was appointed as a bankruptcy judge for the Western District of Washington on January 31, 2017. Prior to her appointment, Judge Heston had been a shareholder at the Seattle law firm of Lane

Powell PC since 1993. From 1988 to 1993, she served as the U.S. trustee for Region 18, which takes in Alaska, Idaho, Oregon and Washington. She was also an adjunct faculty member at Seattle University School of Law, from 1984 to 2006, and at the University of Washington School of Law, from 1997 to 1999. Judge Heston has been a fellow of the American College of Bankruptcy since 2001. She received her bachelor's degree, cum laude, from the University of Washington in 1975 and her J.D., cum laude, from Seattle University School of Law in 1980. She maintains chambers in Tacoma.



Benjamin P. Hursh was appointed as a bankruptcy judge for the District of Montana on February 1, 2017. Prior to his appointment, Judge Hursh had been a partner in the Missoula law firm of Crowley Fleck PLLP

since 2011 and an associate at Cederberg Law Officers, P.C., from 2003 to 2008. Judge Hursh served as the chair of the Bankruptcy Local Rules Committee in the District of Montana since 2014; a member of the Annual Bankruptcy Section CLE Organization Committee since 2013; and the chair of the Bankruptcy Section of the Montana Bar Association from 2011 to 2012. Judge Hursh received his undergraduate degree from the Montana State University, Bozeman, in 1999, and his J.D. from University of Montana School of Law in 2003. He maintains chambers in Butte.

## New Judges continued

### Magistrate Judges



John D. Early was appointed a magistrate judge for the Central District of California on February 22, 2017. Prior to his appointment, he operated his own law firm representing clients in government investigations and civil litigations. Prior to

that, Judge Early was an assistant U.S. attorney for the Central District of California. Prior to his appointment as a federal prosecutor, Judge Early was a litigator with Gibson, Dunn & Crutcher in Orange County and with White & Case in Los Angeles. Judge Early received his B.A. in 1990 from the University of Notre Dame and his J.D. in 1993 from the University of California, Los Angeles, where he served as editor of the UCLA Law Review. He maintains chambers in Santa Ana.



Theresa L. Fricke was appointed a magistrate judge for the Western District of Washington on May 1, 2017. Prior to her appointment, she worked as an assistant attorney general for the State of Washington. Her practice included transportation

law, civil rights law, administrative law, and litigation in state and federal courts. She represented Washington State Department of Transportation and Washington State Department of Social and Health Services. Judge Fricke also worked in the Office of the King County Prosecuting Attorney in Seattle, serving as senior deputy prosecuting attorney and chairperson of the Criminal Division Appellate Unit. Judge Fricke received her bachelor's degree in business administration from the University of Washington, Foster School of Business, and her J.D. from Seattle University School of Law. She maintains chambers in Tacoma.



Robert M. Illman was appointed a magistrate judge for the Northern District of California on November 6, 2017. Prior to his appointment, he served as a law clerk to Magistrate Judge Nandor J. Vadas of the Northern District of California, from 2014

to 2017, and to Chief Magistrate Judge Wallace Capel, Jr., of the United States District Court for the Middle District of Alabama, from 2007 to 2017. He also served as an assistant federal public defender in Montgomery, Alabama, from 2003 to 2007. Judge Illman received his undergraduate degree from Covenant College and his J.D. from the University of Alabama School of Law. He maintains chambers in McKinleyville.



Susan van Keulen was appointed a magistrate judge for the Northern District of California on January 3, 2017. Prior to her appointment, she had been a partner in the law firm of O'Melveny & Myers since 2008.

She was a commercial litigator, focusing on intellectual property and technology and commercial disputes in Silicon Valley. She also regularly represented pro bono clients in cases involving landlord-tenant disputes, immigration issues and legal remedies for domestic violence. Judge van Keulen practiced law at Thelen LLP from 1988 to 2008. She served on the Northern District's Patent Local Rules Advisory Subcommittee from 2006 to 2014. Judge van Keulen received her B.A. from the University of California, Davis, and her J.D. from the University of California, Los Angeles. She maintains chambers in San Jose.



Hemant H. (Shashi)

Kewalramani was appointed a magistrate judge for the Central District of California on August 10, 2017. Prior to his appointment, he was in private practice, focused on intellectual property litigation and white

collar and federal criminal investigations. As part of his intellectual property litigation practice, Judge Kewalramani represented smaller companies to some of the biggest technology companies in the world and was a registered patent attorney for close to 20 years. Prior to re-entering private practice, Judge Kewalramani worked as an assistant U.S. attorney in the Central and Northern districts of California for over seven years and handled cases involving fraud, computer hacking and narcotics violations. Judge Kewalramani received his B.S. in aerospace engineering from the University of Texas at Austin in 1993 and his J.D., cum laude, from Baylor Law School in 1996. He maintains chambers in Riverside.

## New Judges continued

### Senior Judges



Roger T. Benitez was appointed a district judge for the Southern District of California on June 21, 2004, and assumed senior status on December 31, 2017. Prior to his appointment, he served as a magistrate judge for the Southern District of California

from 2001 to 2004. Before coming onto the federal bench, he served as a judge of Imperial County (California) Superior Court from 1997 to 2001. He also engaged in private practice from 1978 to 1997. Judge Benitez received his B.A. from San Diego State University in 1974 and his J.D. from Western State University College of Law (now Thomas Jefferson School of Law) in 1978. He maintains chambers in San Diego.



Anna J. Brown was appointed a district judge for the District of Oregon on October 26, 1999, and assumed senior status on July 27, 2017. Prior to her appointment to the federal bench, she served as a judge of Multnomah County

(Oregon) Circuit Court, from 1994 to 1999, and District Court, from 1992 to 1994. She began her legal career with the Portland law firm of Bullivant Houser Bailey and became one of the first two women to be admitted as partner. Judge Brown received her B.S. from Portland State University in 1975 and her J.D. from the Northwestern School of Law of Lewis and Clark College in 1980. While in law school, she also served as a law clerk to Multnomah County Circuit Court Judge John C. Beatty, Jr. She maintains chambers in Portland.



George H. King was appointed a district judge for the Central District of California on June 30, 1995. He retired from the bench on January 6, 2017. Judge King served as the first Asian American chief judge for the Central District of California,

from September 14, 2012 to July 16, 2016. Prior to his appointment, he served as a magistrate judge for the Central District of California, from 1987 to 1995. Before coming onto the federal bench, he was an assistant U.S. attorney in the Criminal Division of the U.S. Attorney's Office for the Central District of California from 1975 to 1979. He also engaged in private practice in Los Angeles, from 1979 to 1986. Judge King received his B.A. in 1971 from the University of California, Los Angeles, and his J.D. from the University of Southern California, Gould School of Law, in 1974. 🔑

## In Memoriam



Magistrate Judge Larry Boyle, 74, of the United States District Court for the District of Idaho died on November 23, 2017. He was appointed a magistrate judge in 1992, reappointed in 2000, and served as a recalled magistrate judge from 2008 to 2017. Prior to coming onto the federal bench, Judge Boyle had served as an associate justice of the Idaho Supreme Court, from 1989 to 1992, and as a district judge in the Idaho Seventh Judicial District, from 1986 to 1989. He entered public service after a successful career as a trial litigator and co-founder of the firm Hansen, Boyle, Beard & Martin in Idaho Falls. Judge Boyle was active in judicial governance, serving three terms on the U.S. Judicial Conference's Committee on the Administration of the Magistrate Judges System from 1998 to 2006; chairing the Ninth Circuit's Magistrate Judges Executive Board from 1995 to 1997; and serving on the circuit's Public Information and Community Outreach Committee from 2006 to 2009. Judge Boyle received his undergraduate degree in 1986 from Brigham Young University and his J.D. in 1972 from the University of Idaho College of Law. He is survived by his wife, Beverly; five sons; a daughter; and many grandchildren.



Retired Senior District Judge Earl Carroll, 91, of the United States District Court for the District of Arizona died on February 3, 2017. Nominated by President Carter on June 8, 1980, he was confirmed by the Senate on June 26, 1980, and received his commission four days later. Judge Carroll assumed senior status in 1994 and continued to serve his court until retiring in 2011. Joining the Navy in 1943, he achieved the rank of ensign. He was accepted into the Navy's V-12 officer training program, which allowed him to study at Arizona State Teacher's College (now Northern Arizona University), the University of California, Los Angeles, and Harvard University. Judge Carroll

received his B.S. from the University of Arizona in 1948 and received his L.L.B. from the UA College of Law in 1951. He began his career as a law clerk to Justice Evo DeConcini of the Arizona Supreme Court. He then joined the law firm of Evans, Hull, Kitchell and Jenckes in 1952 and remained there until his appointment to the bench. During his time in private practice, he also served as counsel for the city of Tombstone, Arizona. Judge Carroll is survived by his wife of 64 years, Louise, and his daughters, Margaret Carroll and Katherine C. Pearson.



Magistrate Judge Stephen J. Hillman, 67, of the United States District Court for the Central District of California died on June 5, 2017. He was appointed in 1992, served as chief magistrate judge from 2007 to 2011, and retired in 2015. He began his career as an associate at Koenigsberg, Brown, Sinsheimer & Matizer in Seattle, then was a federal public defender in Los Angeles, where he remained for eight years and became deputy in 1984. Prior to joining the federal bench, Judge Hillman was in private practice with Berman & Clark. Judge Hillman received his B.A. from University of California, Berkeley, and his J.D. from the University of Washington School of Law in 1975. He is survived by his wife, Lisa; mother, June; brother, John; and daughters, Alison and Lauren.



Retired Magistrate Judge Arthur Nakazato, 65, of the Central District of California died on December 17, 2017. Judge Nakazato was the first Japanese-American to serve as a federal magistrate judge in the Continental United States. Appointed on August 13, 1996, he served the court for nearly 20 years before retiring in 2016. Prior to coming onto the bench, Judge Nakazato was a successful business trial and appellate lawyer. He previously served as founding president and

## In Memoriam continued

director of the Orange County Asian American Bar Association and founding director of the Orange County Japanese-American Lawyers Association. Judge Nakazato received his B.A., cum laude, from the University of Pittsburg in 1975 and his J.D. in 1978 from Temple University School of Law, where he also served on the law review. He is survived by his wife, Deborah Bau; his mother, Lillian; and his brother, Paul.



Senior Circuit Judge John T. Noonan, Jr., 90, of the United States Court of Appeals for the Ninth Circuit died on April 17, 2017. He was nominated by President Ronald Reagan on October 16, 1985, confirmed by the Senate on December 16,

1985, and received his commission on December 17, 1985. He assumed senior status in 1996. Judge Noonan began his career as a special assistant to Robert Cutler, director of President Eisenhower's National Security Council, from 1954 to 1955, and was in private practice in Boston, from 1955 to 1960. He was a professor of law at Notre Dame Law School from 1961 to 1966, and at the University of California, Berkeley, Boalt School of Law, from 1967 until his judicial appointment. After coming onto the bench, he continued to teach at Boalt Hall for many years as a professor emeritus. Judge Noonan earned his B.A. from Harvard College in 1947. He continued his education at St. John's College, Cambridge, where he studied English literature, followed by the Catholic University of America, where he received his M.A. in 1949 and Ph.D. in 1951. He returned to Harvard Law School and earned his L.L.B. in 1954. Judge Noonan is survived by his wife of 49 years, Mary Lee; their three children, John K. Noonan (Dixie), Rebecca Murray (Stuart), and Susana Howard (Jim); and seven grandchildren.



Retired Circuit Judge William A. Norris, 89, of the United States Court of Appeals for the Ninth Circuit died on January 21, 2017. Judge Norris was nominated by President Carter on February 27, 1980, confirmed by the Senate on June 18, 1980, and received

his commission on June 18, 1980. He assumed senior status on July 7, 1994, and retired from the bench on October 24, 1997. Upon retiring from the bench, Judge Norris continued to practice law in Los Angeles as a partner at Folger Levin & Kahn LLP, from 1997 to 2000, and then as senior counsel at Akin Gump Strauss Hauer & Feld LLP, from 2000 until his retirement in 2014. Judge Norris served in the Navy from 1945 to 1947, then received his B.A. from Princeton University in 1951 and his J.D. from Stanford Law School in 1954. After law school, Judge Norris was a law clerk to U.S. Supreme Court Justice William O. Douglas from 1955 to 1956. He then practiced law with Tuttle and Taylor in Los Angeles, from 1956 until his appointment to the bench. He is survived by his wife of 27 years, Jane Jelenko; a son, Don Norris, and three daughters, Barbara, Kim and Alison Norris; a stepson, David Jalenko, and his wife, Karina; and two grandchildren, Nathan and Samantha Norris.



District Judge Beverly Reid O'Connell, 52, of the United States District Court for the Central District of California died on October 8, 2017. Nominated by President Obama on January 4, 2013, Judge O'Connell was unanimously

confirmed by the Senate on April 15, 2013, and received her commission on April 30, 2013. Prior to her appointment, Judge O'Connell sat on the Los Angeles County Superior Court from 2005 to 2013; was an assistant supervising judge for the court's North Valley District from 2011 to 2013; and sat by designation on the California Court of Appeals for the Second District, Division 8. Judge O'Connell also served for 10 years as an assistant U.S. attorney

for the Central District of California from 1995 to 2005. She began her career as an associate with Morrison & Foerster from 1990 to 1995. Judge O'Connell received her B.A. in 1986 from the University of California, Los Angeles, and her J.D. from Pepperdine University School of Law in 1990. Judge O'Connell is survived by her husband, Daniel B. O'Connell, and her sister, Linda J. Reid.



Bankruptcy Judge John L. "Jack" Peterson, 83, of the United States Bankruptcy Court for the District of Montana died on September 10, 2017. Judge Peterson began his judicial career as a part-time bankruptcy referee in 1963.

Judges of the U.S. District Court for Montana selected him to become Montana's first bankruptcy judge in 1985. Serving as the court's only bankruptcy judge for his first term, he stepped down as chief judge but continued to serve on a recall basis in 1999. At the time of his retirement in 2013, he was believed to be the nation's longest-serving bankruptcy judge. Prior to his appointment, Judge Peterson had joined the Butte law firm of McCaffrey, Rowe, Kiley and Joyce and became a partner in 1963, remaining with the firm until coming onto the federal bench. Judge Peterson received both his B.A. and J.D. from the University of Montana. He is survived by his wife of 60 years, Jean; their three children: Michael, John and Carol Jean; a sister, Anna Lee Kuhr; and eight grandchildren.



Senior Circuit Judge Harry Pregerson, 94, of the United States Court of Appeals for the Ninth Circuit died on November 25, 2017. Judge Pregerson was nominated onto the Ninth Circuit by President Carter on August 28, 1979, confirmed by

the Senate on October 31, 1979, and received his commission on November 2, 1979. He assumed senior status on December 11, 2015. Prior to his Ninth Circuit service, Judge Pregerson was one of

the first district judges of the U.S. District Court for the Central District of California, which was created in 1966. Nominated by President Johnson, he received his judicial commission on December 7, 1967. Judge Pregerson also served as a judge of the Los Angeles Superior Court and the Los Angeles Municipal Court and had been in private practice in Los Angeles and Van Nuys, California. A decorated World War II veteran, Judge Pregerson received his B.A. in 1947 from the University of California, Los Angeles, and his J.D. in 1950 from the University of California, Berkeley, Boalt Hall School of Law. He is survived by his wife of 70 years, Bernardine; a son, Senior District Judge Dean D. Pregerson of the Central District of California, and his wife, Sharon; a daughter, Katie Rodan, and her husband, Amnon; three grandchildren; two great-grandchildren; and a brother and sister.



Bankruptcy Judge Herbert A. "Herb" Ross, 82, of the United States Bankruptcy Court for the District of Alaska died on February 16, 2017. Judge Ross was appointed a bankruptcy judge in 1986. He retired in 2000 but continued to serve

on a recall basis in the districts of Alaska and Nevada. Judge Ross also was a mediator for various courts throughout the Ninth Circuit, continuing to work until forced to stop by illness. Prior to his appointment, Judge Ross was in private practice in Anchorage and Seward, Alaska. He was a partner at the law firm of Ross & Tunley, from 1964 to 1974. Judge Ross received his B.A. from Western Reserve University in 1958 and his J.D. from the University of San Francisco in 1964. He also received a degree from the Straus Institute for Conflict Resolution at Pepperdine School of Law. Judge Ross is survived by his wife, Donna Ross, a nephew, two nieces, eight great nieces and nephews, and many cousins.

## In Memoriam continued



Senior District Judge William W. Schwarzer, 91, of the United States District Court for the Northern District of California died on January 28, 2017. Nominated by President Ford on June 2, 1976, he was confirmed by the Senate and received his commission on June 23, 1976. He assumed senior status on April 30, 1991, after being selected director of Federal Judicial Center. He led the FJC, from 1990 to 1995, and returned to the Northern District of California, serving until his retirement in 2009. In 2004, Judge Schwarzer was one of only four Ninth Circuit judges to have received the American Judicature Society's Edward J. Devitt Distinguished Service to Justice Award, the Judiciary's highest honor. Prior to joining the federal bench, Judge Schwarzer was in private practice in San Francisco from 1952 to 1976. He was also appointed senior counsel to the President's Commission on CIA Activities within the U.S. in 1975. Judge Schwarzer enlisted in the Army in 1943 and was discharged in 1947 at the rank of second lieutenant. Judge Schwarzer received his B.A. from the University of Southern California in 1948 and his L.L.B. from Harvard Law School in 1951. He is survived by his wife, Anne; his son, Andrew Schwarzer, and his wife, Dr. Nancy Elder; his daughter, Jane Fields, and her husband, Stanley; and grandchildren, Max and Grace Schwarzer, and Paul, Tim and Ben Fields.



Senior District Judge Roger G. Strand, 83, of the United States District Court for the District of Arizona died on September 7, 2017. Nominated by President Reagan on June 25, 1985, Judge Strand was confirmed by the Senate on July 19, 1985, and received his commission three days later. He served as an active judge for 15 years before assuming senior status on April 28, 2000. He continued to serve his court in various ways until taking inactive status a few years ago. Prior to joining the federal bench, Judge Strand was in private practice with

Fennemore, Craig, von Ammon, McClennen & Udall until 1967. He then was appointed to the Maricopa County Superior Court, remaining on state court until his federal appointment. Judge Strand received his B.A. from Hamilton College in 1955, then joined the Navy and attended the Naval Officers School. He served as a full lieutenant in the Naval Reserve from 1958 to 1961 while also attending law school. Judge Strand received his L.L.B. from Cornell Law School in 1961. He is survived by his wife, Joan Strand.



Senior District Judge Robert J. Timlin, 84, of the United States District Court for the Central District of California died on January 18, 2017. Nominated by President Clinton on April 24, 1994, he was confirmed by the Senate on September 14, 1994, and received his commission on September 15, 1994. He assumed senior status on February 1, 2005. Judge Timlin served as an associate justice of the California District Court of Appeal for the Fourth Appellate District, Division Two, from 1990 until his appointment to the federal bench. Prior to that, he served on Corona Judicial District Municipal Court in 1976 and on the Riverside County Superior Court in 1980. Judge Timlin also served as a part-time magistrate judge for the Central District of California from 1971 to 1975; as assistant U.S. attorney for the Central District of California from 1964 to 1966; and as a trial attorney for the Criminal Division of the U.S. Department of Justice from 1961 to 1964. He also served as the city attorney for Corona and Norco, California, and as a law clerk and attorney for the Pennsylvania Railroad Company. He engaged in private practice from 1960 to 1961 and from 1971 to 1976. Judge Timlin received his A.B. from Georgetown College (now Georgetown University) in 1954. He began his law studies at the University of Michigan Law School but left to serve in the U.S. Army as a private first class. He earned his J.D. from Georgetown University in 1959 and LL.M. in 1964 from Georgetown Law Center. 🔑



*The Ninth Circuit Court of Appeals convened a special session in September at the James R. Browning U.S. Courthouse in San Francisco to memorialize the passing of Senior Circuit Judge John T. Noonan, Jr.*

## Ninth Circuit Court of Appeals Loses Two Esteemed Jurists

With the deaths in 2017 of Senior Circuit Judges John T. Noonan, Jr., and Harry Pregerson, the United States Court of Appeals for the Ninth Circuit lost two eminent and esteemed colleagues. Both jurists had long and prolific careers and were highly respected by the bench and bar.

### Judge John T. Noonan, Jr.

Appointed by President Ronald Reagan, Judge Noonan came onto the Ninth Circuit bench in 1985. He served as an active judge for 11 years and assumed senior status in 1996. As a senior judge, he continued to hear cases and author opinions, the most recent of which was published in December 2016. With 31 years on the bench, Judge Noonan had ranked 12th in seniority among the court's 44 active and senior judges.



During his long tenure, he heard oral arguments in 3,459 cases and authored 1,080 opinions, dissents and memoranda decisions. Judge Noonan authored noteworthy opinions in many cases. These included

Compassion in Dying v. State of Washington, a 1995 case arising out of the first federal litigation related to physician-assisted suicide by terminally ill patients; Lazo-Majano v. INS, a seminal opinion issued in 1987 that articulated the doctrine of imputed political opinion in asylum law; and Hutchinson v. Grant, a 1996 decision allowing an African-American physician to proceed to trial with a racial prejudice claim against a police officer who stopped and detained him while he was out for an evening walk.

In Harris v. Vasquez, a 1990 opinion, Judge Noonan, sitting alone, stayed the execution in California of convicted murderer Robert Alton Harris to allow for an evidentiary hearing to determine whether Harris had received competent psychiatric assistance during the penalty phase of his capital trial.

Judge Noonan also was a prolific author and sought-after lecturer, much celebrated in academia. His legal philosophy is perhaps best expressed in his classic "Persons and Masks of the Law," published in 1975. Other important works included "Bribes," a magisterial historical study of bribery published

## Esteemed Jurists continued

in 1984, and "Contraception," published in 1966, which is said to have influenced Pope Paul VI to create a commission to study the issue, to which Judge Noonan served as an advisor.

### Judge Harry Pregerson

A decorated World War II veteran who attended law school on the G.I. Bill, Judge Pregerson's legal career spanned more than six decades. As a federal judge for nearly 50 years, he was responsible for important and far-reaching decisions at both the trial and appellate levels. He made no secret of letting his conscience guide his jurisprudence and was undeterred by higher court reversals.



Off the bench, Judge Pregerson worked tirelessly on behalf of the less fortunate in his native Los Angeles, particularly veterans in need. He helped to build homeless shelters, transitional housing, child care centers and job training facilities in some of the city's neediest areas.

Judge Pregerson came onto the federal bench in 1967. President Johnson nominated him for one of several new judgeships authorized for the newly-created U.S. District Court for the Central District of California in Los Angeles. As a federal trial judge for nearly 12 years, he issued critical decisions addressing social upheavals and environmental damage.

Judge Pregerson helped craft a consent decree for Los Angeles' massive Century Freeway project, providing affordable housing for thousands of displaced residents along with employment training for women and child care centers. He also presided over litigation aimed at ending the discharge of inadequately treated Los Angeles sewage sludge into Santa Monica Bay. His orders led to modernization of a major sewage treatment plant, resulting in the revitalization of marine life in the bay.



*Flags fly at half-staff at the James R. Browning U.S. Courthouse in San Francisco in honor of the late Senior Circuit Judge Harry Pregerson.*

As an appellate judge, Judge Pregerson often authored opinions in lesser known matters primarily of concern only to the individual appellant, such as Social Security benefit cases and immigration appeals. His more high-profile opinions include Raich v. Gonzales, 2007 decision in which the panel upheld the legality of a California law allowing use of medical marijuana; Dukes v. Walmart, a 2011 decision in which the court upheld the class action status of a lawsuit by a group of women who accused the retailer of denying them the same pay and promotions as their male counterparts; and Sanchez v. Sessions, a 2017 ruling that reversed a removal order for an unauthorized immigrant detained by the U.S. Coast Guard based solely on his Latino ethnicity before learning of his immigration status. 🔑0

## Ninth Circuit Symposium Engages in Discussion of Civility



The Federal Judicial Center and the United States Court of Appeals for the Ninth Circuit jointly sponsored a symposium focusing on the state of civil discourse in American society. The program was held on September 15, 2017, at The Justice Anthony M. Kennedy Library and Learning Center, which is located in the Robert T. Matsui U.S. Courthouse in Sacramento, California.

The intensive one-day symposium featured a keynote address by U.S. Supreme Court Associate Justice Anthony M. Kennedy. His presentation, entitled "Why Civil Discourse Matters," focused on civic dialogue and its importance in today's democracy.

Also making remarks were Ninth Circuit Chief Judge Sidney R. Thomas and Senior District Judge Jeremy D. Fogel of the Northern District of California, who serves as director of the FJC.

Symposium participants sought to define civil discourse as well as examine civil discourse as an approach to reasoned and respectful discussion of differences. The federal judiciary was put forth as a model for civil discourse.



*Associate Justice Anthony M. Kennedy, above, spoke of the value and importance of civil discourse. Paul Grewal, vice president and deputy general counsel at Facebook, top, gestures during a discussion of social media and free speech.*

The program included several panel discussions highlighting examples of civil discourse in the judiciary; identified skills, attributes and strategies needed to practice and improve civil discourse; and analyzed challenges of promoting civil discourse.

A panel, "The Value and Limitations of Unconstrained Free Speech; the Impact of Social Media," discussed the erosion of civil discourse on social media. The panel included Paul Grewal, former magistrate judge for the Northern District of California and current vice president and deputy general counsel of Facebook; Professor Jane Hall of American University School of Communications; Dahlia Lithwick, senior editor and legal correspondent at Slate; and Professor Nate Persily, the James B. McClatchy Professor of Law at Stanford Law School. District Judge Kimberly J. Mueller of the Eastern District of California moderated the panel.

A practicum on the skills and attributes needed for civil discourse included a presentation by Claudia L. Bernard, the Ninth Circuit's chief circuit mediator,

and Howard A. Herman, director of alternative dispute resolution programs for the Northern District of California. Facilitated by current and former federal mediators, the program included small group discussions as a way to enhance the experience of civil discourse in action.

A panel entitled "Developing Practical Strategies for Improving Civil Discourse" identified specific behaviors to improve effective civil discourse. The presenters were Circuit Judges Jay S. Bybee and Mary H. Murguia; Sacramento Mayor Darrell Steinberg; and Professor Michael McConnell, the Richard and Frances Mallery Professor and director of the Constitutional Law Center at Stanford Law School. The panel was moderated by Circuit Judge M. Margaret McKeown.

Symposium attendees included judges, court staff, lawyers, educators, journalists, elected officials and community leaders. 🔑

*Symposium attendees, below, met in small groups to work through realistic case studies and practice strategies and behaviors for engaging in civil discourse.*



## Ninth Circuit, Central District of California Host 2017 Media Conference



*Panelists for the 2017 Media Conference, which was held at the First Street Federal Courthouse in Pasadena, included law enforcement officials, journalists and lawyers who discussed the use of body cameras by police and the public release of the video recordings.*

The Courts and Community Committee of the Ninth Circuit Judicial Council resumed its media outreach work in 2017 with a program in Los Angeles focusing on public access to video recordings of incidents involving police use of excessive or deadly force.

Entitled “Every Picture Tells a Story,” the program was cosponsored by the United States District Court for the Central District of California and held on March 27, 2017, at the new First Street Federal Courthouse. Federal and state judges, journalists, members of the bar and students attended the event.

Whether video recordings of police use of excessive or deadly force should be publicly released – and at what point in the investigative or adjudicative process that should happen – was the subject of a spirited panel discussion. Panelists included District Judge André Birotte, Jr., of the Central District of California; Arif Alikhan, director of the Office of Constitutional Policing and Policy for the Los Angeles Police Department; Dale K. Galipo,

a plaintiff’s attorney focused on civil rights cases involving police misconduct; Thomas C. Hurrell, a defense attorney in civil rights cases involving law enforcement agencies; Beverly White, journalist for NBC4 Southern California; and Jim Newton, a former Los Angeles Times reporter now teaching at the University of California, Los Angeles.

Senior District Judge Robert S. Lasnik of the U.S. District Court for the Western District of Washington served as moderator. The program was recorded and the video is posted here: <https://vimeo.com/213227103>

Along with the panel presentation, the agenda included the 2017 Ninth Circuit Civics Contest, civics education activities at the circuit conference, and future activities of the Courts and Community Committee. Speaking at the event were Chief Circuit Judge Sidney R. Thomas, Chief District Judge Virginia A. Phillips of the Central District of California, and District Judge Janis L. Sammartino of the Southern District of California, chair of the Courts and Community Committee. 🔑

## Ninth Circuit Welcomes New Law Clerks

*The United States Court of Appeals for the Ninth Circuit held its annual New Law Clerk Orientation Program in September 2017, at the James R. Browning U.S. Courthouse in San Francisco. The two-day program introduced newly-hired law clerks to the workings of the court. Chief Judge Sidney R. Thomas welcomed the newcomers, who were also greeted by U.S. Supreme Court Associate Justice Anthony M. Kennedy. Among the speakers were Senior Circuit Judge Michael Daly Hawkins and Circuit Judges M. Margaret McKeown, William A. Fletcher, Richard A. Paez, Richard R. Clifton and Jay S. Bybee. Ninth Circuit staff in attendance included Molly Dwyer, clerk of court; Claudia Lynn Bernard, chief circuit mediator; Karen Burton, lead staff attorney for the Ninth Circuit's Certificate of Appealability Unit; Lisa B. Fitzgerald, chief deputy clerk; Susan Gelmis, chief deputy clerk for operations; Howard Goldberg, case management attorney; Ryan Means, director of IT; Peter Shaw, appellate commissioner; and Julie Horst, circuit librarian. 🔑*



## Civil Rights Icon Judge Thelton Henderson Retires

Senior District Judge Thelton Henderson, a renowned jurist and civil rights lawyer, retired on August 11, 2017, after 37 years on the federal bench. President Carter nominated Judge Henderson for a seat on the United States District Court for the Northern District of California in 1980. He served as an active judge for 18 years and led his court as chief judge from 1990 to 1997. He assumed senior status on November 28, 1998, but continued to carry a caseload for many more years.

While on the federal bench, Judge Henderson rendered decisions that served to preserve the rights of women, minorities, prisoners and gay people. His 1986 opinion, Priest v. Rotary, helped outlaw sexual harassment in California, and his 1987 decision, High Tech Gays v. Defense Industrial Security Clearance Office, was the first to cite equal protection for gay applicants seeking security clearances at the Defense Department, though that decision was later reversed. His 1996 decision in Coalition for Economic Equity v. Wilson struck down Proposition 209, California's ban on affirmative action in state government institutions and programs, but the Ninth Circuit later reversed the decision.

Judge Henderson's decisions led to better housing conditions and medical care for inmates in California state prisons. His 1995 decision, Madrid v. Gomez, exposed the extreme conditions at Pelican Bay State Prison and laid out the state's first restrictions on solitary confinement. In 2010, he was a member of three-judge panel that found that prison overcrowding was the primary cause of poor health care for inmates. The panel ordered the release of more than 40,000 inmates and required the state to upgrade its prison medical facilities.

Judge Henderson began his legal career as the first black lawyer to serve in the Civil Rights Division of the U.S. Department of Justice. From 1962 to 1963, he worked in the racially hostile Deep South, where he helped investigate the 16th Street Baptist Church bombing in Birmingham, Alabama. He met Dr. Martin Luther King, Jr., by chance while both were driving to Selma, Alabama. The famed civil rights leader had been stranded by a flat tire, so Judge Henderson lent him his government car. Although later fired for doing so, Judge Henderson never regretted the decision.



*Chief District Judge Phyllis J. Hamilton presents a plaque dedicating the ceremonial courtroom at the Phillip J. Burton Federal Building and U.S. Courthouse in San Francisco in Judge Henderson's name.*

Judge Henderson also worked in academia as an assistant dean at Stanford Law School, from 1968 to 1977, during which he was responsible for a program that oversaw significant increase in minority student recruitment to the school. He was also an associate professor at Golden Gate University School of Law from 1978 to 1980.

Born in 1933 in Shreveport, Louisiana, Judge Henderson received his B.A. from the University of California, Berkeley, in 1956. He served in the Army from 1956 to 1958 and then returned to Berkeley to study law. He received his J.D. in 1962 from the University of California, Berkeley, Boalt Hall School of Law, as one of only two black law students in his class. The University of California, Berkeley, School of Law, has a law center and fellowship named in his honor. 🔑

## For Magistrate Judges, Mediation Training Program Fills a Void

In late July, the Ninth Circuit's Alternative Dispute Resolution Committee and Magistrate Judges Executive Board, or MJEB, cosponsored a mediation training program at the James R. Browning U.S. Courthouse in San Francisco. To facilitate attendance and reduce travel costs, the two-day program was held immediately after the Ninth Circuit Judicial Conference.

Magistrate Judge Michelle Burns of the District of Arizona, the MJEB's vice-chair, proposed the training and reached out to the Ninth Circuit mediators and the ADR Committee to explore possible approaches.

While the Federal Judicial Center provides some mediation training to magistrate judges, the MJEB recognized the need for continued comprehensive mediation training because magistrate judges throughout the Ninth Circuit regularly conduct settlement conferences as part of their assigned additional civil duties. In 2014, Ninth Circuit magistrate judges disposed of 2,959 cases through settlement conferences and mediations. By 2015, the number of cases resolved through settlement/payment by magistrate judges rose by 10.1 percent to 3,257 cases settled.

The ADR Committee and the MJEB surveyed all magistrate judges in the Ninth Circuit to gauge interest. They found 53 percent of those responding had not attended mediation skills training since their new judge orientation at the Federal Judicial Center; 76 percent were interested in additional mediation skills training; and 78 percent said they would be likely to attend a two-day mediation skills training in San Francisco held either before or after the Ninth Circuit Judicial Conference.

A total of 45 judges participated in the training, which was led by Ninth Circuit Chief Mediator Claudia Bernard and Howard Herman, the director of the ADR Program for the U.S. District Court for the Northern District of California. Mediators from the Ninth Circuit and the Northern District

of California's ADR Program also assisted with the training.

The program covered the skills and attributes of a mediator, negotiation fundamentals, the stages of mediation, and preventing, diagnosing and breaking impasse. The trainers' methodology for presenting to the judges was to share the skills mediators use and allow the judges to decide which of the skills they wished to incorporate into their own repertoires. From the start, the mediators and the judges acknowledged the differences that arise when the authority of a judge enters the settlement discussion and that styles and methods for settling disputes will vary.

The interactive training involved minimal lecture, focusing on role-playing exercises, discussions and strategies to employ during judge-hosted settlement conferences. The workshop identified mediation skills, which included organizing the settlement conference for maximum effectiveness; using communication skills to create momentum, dissipate participants' anger, and demonstrate understanding; promoting and facilitating interest-based negotiation; facilitating effective positional bargaining; preventing and breaking down impasses; and understanding different mediator styles.

Circuit Judge N. Randy Smith, who attended the training as a member of the ADR Committee, supported this mediation training for all judges. He is an advocate for mediation and recognizes the role that magistrate judges play in case settlement.

"The training was a good refresher with the role playing exercises to get people involved and the discussion after each exercise was most helpful. I am glad that I attended," Judge Smith said. 



*The opening session of the 2017 Ninth Circuit Judicial Conference included a naturalization ceremony for 20 people from 13 countries. Chief District Judge Timothy M. Burgess of the District of Alaska, the chair of the conference, administered the oath of allegiance.*

## Ninth Circuit Judicial Conference Returns to San Francisco

The 2017 Ninth Circuit Judicial Conference was held July 17-20, 2017, at the Marriott Marquis Hotel in downtown San Francisco. The conference is authorized by law "for the purpose of considering the business of the courts and advising means of improving the administration of justice within the circuit." 28 U.S.C. § 333.

The conference provides an exceptional educational program and facilitates circuit governance through numerous business meetings. Conferees include judges of the United States Court of Appeals for the Ninth Circuit and the U.S. district courts and U.S. bankruptcy courts of the circuit, along with lawyers practicing in these courts, court staff and special guests.

San Francisco's proximity to Silicon Valley inspired the conference's theme of "Law, Society, and Technology: The Challenges and Opportunities Ahead." Programs focused on how technology is shaping our future, our rights and the law. Also prominent on the agenda were sessions that discussed civil rights, civics education, and citizenship, election law and the media.

The opening session of the conference began with a naturalization ceremony for 20 people from 13 countries. Chief District Judge Timothy M. Burgess of the District of Alaska, the chair of the conference, administered the oath of allegiance while U.S. Supreme Court Associate Justice Neil M. Gorsuch made welcoming remarks.



*Associate Justice Neil M. Gorsuch speaking to the 20 new United States citizens.*

The opening session also featured a discussion of civics education. Participating were Ninth Circuit Chief Judge Sidney R. Thomas, Circuit Judge M. Margaret McKeown, and Thomas Kail and Jeffrey Seller, the director and producer, respectively, of the hit Broadway musical "Hamilton." The panel explored how the exhilarating, cutting-edge musical illuminates the serious study of history, politics, culture and social

structures of today and in colonial America. District Judge Richard A. Jones of the Western District of Washington ably moderated the discussion.

Several programs during the week focused on science and technology. "May the Force Be with You: The Future of Science in the Courtroom" focused on recommended actions to strengthen forensic science and promote its more rigorous use in the courtroom. A panel of judges and public defenders discussed forensic evidence and its implication on recognition, collection, analysis and interpretation of evidence for criminal and civil proceedings.

In "Cutting Edge Technology and the Law: Views from General Counsel," a panel of general counsel at Oracle Corporation, Twitter and Uber discussed the pressing issues tech companies are facing today, which include the challenges of talent retention and implicit bias in hiring and promotion and how they are handling cybersecurity risks. The panel also addressed how companies are balancing regulation, privacy and technological advancement and how their decisions impact our society.

"Artificial Intelligence Today – Tomorrow's Legal Challenges of Machine Learning" explored how advances in artificial intelligence have made possible a constellation of technologies, such as Internet search algorithms, computer and phone speech assistants, self-driving cars, health care diagnostics, investment platforms, industrial robots, and home heating, cooling and security systems.



*Korematsu panel organizers and speakers, from left, Bankruptcy Judge Thomas M. Renn, Karen Korematsu, Dale Minami, Esq., Retired District Judge Marilyn Hall Patel, Senior Circuit Judge Mary M. Schroeder and Lawyer Representative David M. Stern, Esq.*



## 2017 Ninth Circuit Judicial Conference Program Videos

*Videos of educational programs presented at the 2017 Ninth Circuit Judicial Conference are available online at:*  
[https://www.ca9.uscourts.gov/judicial\\_conference/2017/video.html](https://www.ca9.uscourts.gov/judicial_conference/2017/video.html).



*Former U.S. Attorney for the Northern District of Alabama G. Douglas Jones, left, speaking about the prosecution of the 16th Street Baptist Church bombing case. Professor Ann M. Ravel, right, sat on a panel discussing public confidence in the election process.*

The panel included California Supreme Court Associate Justice Mariano-Florentino Cuéllar along with researchers from Microsoft, Google, Facebook, University of Washington, New York University and Knightscope.

"Public Confidence in the Election Process" addressed the legal challenges involving political campaigns or elections, which are some of the most difficult, high-profile and time-sensitive matters that come before federal courts. They also may test the bounds of judicial independence and the appearance of impartiality, and their consequences are often far-reaching. The panel of three distinguished professors and election law experts discussed the Voting Rights Act, redistricting, and the regulation of money in politics.

"The Prosecution of the 16th Street Baptist Church Bombing" told the history of the successful conviction of the individuals responsible for the deadly attack. The story was retold by William J. Baxley, former attorney general of Alabama who successfully tried the first Ku Klux Klan members, and G. Douglas Jones, the current junior U.S. senator from Alabama and former U.S. attorney for the Northern District of Alabama who led the prosecution that convicted two more aging Klansmen 20 years later. The speakers recounted their story, describing the racial hostility of 1950s Birmingham, Alabama, and how the unsolved crime went to trial and finally to conviction.

The session "Korematsu: A Historical Overview" focused on the 75th anniversary of Executive Order 9066, which resulted in the mass incarceration of Japanese-Americans, most of whom were U.S. citizens. The panel included Karen Korematsu, the daughter of famed resister Fred T. Korematsu and founder and executive director of the Fred T. Korematsu Institute. The program focused on Fred Korematsu, Gordon Hirabayashi and Minoru Yasui, the Supreme Court rulings that were challenged, and the convictions that were set aside through writs of coram nobis.

Other conference programs included a review of recent Supreme Court cases; a supplemental civics education program, which had a civics education showcase and a panel presentation with Justice Gorsuch; a bankruptcy judges program on dischargeability of debts for "willful and malicious injury;" and a magistrate judges program on understanding mental health issues in federal court.

Presenters and panelists at the conference included a number of federal appellate, district, bankruptcy and magistrate judges from the Ninth Circuit and elsewhere; well-known practitioners; members of the academia; and leading scientists and researchers. 🔑

## Ninth Circuit Judicial Conference Awards Honor Oregon District Judge and Spokane Attorney

Among the highlights of the annual Ninth Circuit Judicial Conference is the presentation of two prestigious awards recognizing professional accomplishment and exemplary contributions to the work of the federal courts. In 2017, the honorees were an Oregon district judge and a respected Spokane, Washington, attorney, who was recognized posthumously.

### American Inns of Court Professionalism Award

Senior District Judge Anna J. Brown of the United States District Court for the District of Oregon was selected as the 2017 recipient of the American Inns of Court Ninth Circuit Professionalism Award. Senior Circuit Judge Mary M. Schroeder of the U.S. Court of Appeals for the Ninth Circuit, a former member of the board of trustees of the American Inns of Court, presented the award.



*Senior District Judge Anna J. Brown receiving the American Inns of Court Professionalism Award from Senior Circuit Judge Mary M. Schroeder.*

As a trial judge in federal and state courts in Oregon for more than 25 years, Judge Brown is highly respected by her fellow judges and the lawyers who practice in her court. Current and former judicial colleagues nominated her and pointed to her consummate case management skills, willingness to share her knowledge and experience, and mentorship of women entering the legal profession.

Nominated by President Clinton, Judge Brown came onto the federal bench in 1999 and maintains chambers in Portland. She assumed senior status on July 27, 2017. She was previously a judge of the Multnomah County (Oregon) Circuit Court, from 1994 to 1999, and District Court, from 1992 to 1994.

Judge Brown has presided over a full range of civil and criminal matters, including Oregon's first tobacco product liability lawsuit in 1999, which was eventually heard by the U.S. Supreme Court. In federal court, she presided over two high-profile, complex, multi-defendant criminal jury trials arising from the 2016 occupation of the Malheur National Wildlife Refuge in southeastern Oregon. The cases posed legal, logistical and security problems, including concerns for her personal safety in the face of credible threats.

A Portland native born to immigrant parents, Judge Brown worked full-time as a police 9-1-1 operator while earning a B.S. at Portland State University in 1975. She obtained her J.D. in 1980, taking night classes at the Northwestern School of Law of Lewis and Clark College while also clerking for Multnomah County Circuit Court Judge John C. Beatty, Jr. She began her law career with the Portland law firm of Bullivant Houser Bailey and later became one of the first two women admitted as partners of the firm.

The American Inns of Court Professionalism Award is given annually in all of the federal circuits to "a lawyer whose life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession and the rule of law."

### Ninth Circuit John P. Frank Award

The late Leslie R. Weatherhead, who practiced law in Spokane for more than three decades, was the recipient of the Ninth Circuit John P. Frank Award. Mr. Weatherhead died of cancer in 2016 at the age of 59.

From 2013 until his death, Mr. Weatherhead had been a partner at Lee & Hayes, an intellectual property law firm. For 30 years prior, he was a partner at Witherspoon Kelley Davenport & Toole, where his practice focused on complex commercial and regulatory disputes, white-collar defense and pro-bono work. He had practiced extensively in the United States Court of Appeals for the Ninth Circuit and the U.S. District Court for the Eastern District of Washington and argued before the U.S. Supreme Court. He also practiced in several state courts and was a member of the Washington, Idaho, Oregon and Hawaii state bars.

Mr. Weatherhead had been active in Ninth Circuit and federal and state bar activities. From 2001 to 2004, he served on the Ninth Circuit Advisory Board, chairing the group from 2004 to 2005. He also served as a lawyer representative to the Ninth Circuit Judicial Conference from 1990 to 1995, chairing the Lawyer Representative Coordinating Committee from 1994 to 1995. From 1991 to 1997, he served on the board of trustees of the Federal Bar Association for the Eastern District of Washington, serving as chapter president from 1996 to 1997. He was also a fellow of the American College of Trial Lawyers and served on the Washington State Bar Disciplinary Board, from 1996 to 1999, and as a member pro tem from 2000 to 2002.

A native of Eugene, Oregon, Mr. Weatherhead received his B.A. from the University of Oregon Honors College in 1977 and his J.D. from the University of Washington School of Law in 1980. From 1980 to 1983, he served as deputy prosecutor and special assistant U.S. attorney in the U.S. Territory of Guam. He had also been an adjunct professor at Gonzaga University Law School.



*Peg Carew Toledo, right, chair of the Ninth Circuit Advisory Board, presents the John P. Frank Award to LRCC member Geana M. Van Dessel, who accepted the honor on behalf of the Weatherhead family.*

Mr. Weatherhead was nominated by judges of the Eastern District of Washington in recognition of his contributions to the federal courts and his community. Geana M. Van Dessel, a member of the Lawyer Representatives Coordinating Committee from the Eastern District of Washington, accepted the award on behalf of the Weatherhead family.

The John P. Frank Award, established in 2003 by the Judicial Council of the Ninth Circuit, honors an outstanding lawyer practicing in the federal courts of the western United States. 🔑

## Judicial Conference Programs Emphasize Civics Education

The 2017 Ninth Circuit Judicial Conference placed a strong emphasis on civics education. In addition to a high school civics contest, which focused on Japanese internment, the conference program included a presentation on the historic efforts to exonerate Japanese-American resister Fred Korematsu.

The opening session featured a conversation with the producer and director of the hit musical “Hamilton,” which is being recognized for helping educate young people about the founders and constitutional principles.

The conference also included a special supplemental civics program, which drew more than 150 attendees. The program consisted of a national overview discussion, recognition of the civics contest winners, and a “showcase” of events and activities sponsored by courts in the Ninth Circuit.

The national overview consisted of a panel discussion involving United States Supreme



*Associate Justice Neil M. Gorsuch, above, and Professor Kathleen Hall Jamieson, below, discuss the importance and current state of civics education.*





*The civics education panel, above, included Senior District Judge Marilyn L. Huff, Second Circuit Chief Judge Robert A. Katzmann, Ninth Circuit Chief Judge Sidney R. Thomas, Associate Justice Neil M. Gorsuch, Professor Kathleen Hall Jamieson and Magistrate Judge Michael J. Newman from the District of Ohio (not pictured).*

*A showcase panel presentation involved Dr. Kari Kelso, center, the circuit's community outreach coordinator; Rebecca Fanning, right, the Administrative Office's national community outreach manager; and Deborah Genzer of the California Judicial Council.*



Court Justice Neil M. Gorsuch, Chief Judge Sidney R. Thomas of the Ninth Circuit, Chief Judge Robert A. Katzmann of the Second Circuit, and Senior District Judge Marilyn L. Huff of the Southern District of California. Also participating was Magistrate Judge Michael J. Newman of the Southern District of Ohio, the current president of the Federal Bar Association. Professor Kathleen Hall Jamieson, director of the Annenberg Public Policy Center at the University of Pennsylvania, moderated the discussion.

Dr. Kari Kelso, the public education and community outreach administrator for The Justice Anthony M. Kennedy Library and Learning Center in

Sacramento and a member of the committee, led the showcase segment, which featured a presentation by Rebecca Fanning, national outreach manager for the Administrative Office of the U.S. Courts.

The supplemental program attendees included judges and court staff who will serve as future coordinators as part of a developing, circuit-wide approach to civics education. Dr. Kelso will be working with the district coordinators to develop a repository of materials that will make it easier for judges and courts to initiate civics education programs. She also will be organizing enrichment programs and training coordinators at the Kennedy Learning Center. 🔑

## Civics Contest Winners Hail from Five States



*Essay winner Olivia Colleen Tafs and video winner Joshua Riel, pictured left, with U.S. Supreme Court Associate Justice Neil M. Gorsuch and Northern District of California local contest winners.*

Young people from Alaska, California, Hawaii, Nevada and Washington were selected as winners of the 2017 Ninth Circuit Civics Contest, an educational outreach effort sponsored by the federal courts. The essay and video competition for high school students is cosponsored by the Courts and Community Committee and all the judicial districts in the circuit.

“Not to Be Forgotten: Legal Lessons of the Japanese Internment” was the theme of the 2017 contest, which focused on the internment of Japanese-American citizens during World War II and its relevance today as our government seeks to protect the nation from terrorism. Students were challenged to write an essay or produce a short video focusing on legal decisions, which sought to strike a balance between national security and civil rights at a time of great uncertainty.

Olivia Colleen Tafs, a freshman at West Anchorage High School in Anchorage, Alaska, finished first in the essay contest, while Joshual Riel, a senior at Las Vegas Academy of the Arts in Las Vegas, Nevada, finished first in the video contest. In July, both winners attended the Ninth Circuit Judicial Conference in San Francisco, where the winning essay was read and the winning video

shown during a supplemental civics education program. United States Supreme Court Justice Neil Gorsuch presented both students with plaques commemorating their achievements.

Second place in the essay contest went to Andrew Stahl, a senior at Bainbridge High School in Bainbridge Island, Washington, and Brandon Shi, a junior at Dougherty Valley High School in San Ramon, California, finished third. In the video contest, Tamara Sato and Emily Wu, both juniors at Punahou School in Honolulu, finished second, while third place went to Briana Chapman, a sophomore at North Coast Preparatory Academy in Arcata, California.

The 15 federal courts in the Ninth Circuit held local competitions with winners advancing to the circuit-level contest. More than 1,000 young people entered the contest, which was open to students in grades 9 through 12 in public, private and parochial schools and home-schooled students of equivalent grade. In all, 45 essays and 20 videos were selected for final consideration by the Ninth Circuit Courts and Community Committee. All nine of the western states and the two Pacific island jurisdictions that make up the circuit were represented among the finalists. 

## With Exhibits, Events and Website, Historical Society Advances Public Education

The Ninth Judicial Circuit Historical Society was founded in 1985 to preserve and promote the vibrant history of the law in the Ninth Circuit and to raise awareness of the important role that the judicial system plays in our society. The society serves over 2,000 members, the legal profession, historians, court personnel, school children and the general public.

A core part of the society's mission is to educate the public about the judicial system, the rule of law and other civic values. The society does so through a scholarly journal, "Western Legal History;" an oral history program featuring recorded interviews with judges and prominent legal practitioners; a traveling exhibit program; and an internet website.

In conjunction with the 2017 Ninth Circuit Civics Contest, whose theme was "Not to Be Forgotten: Legal Lessons of the Japanese Internment," the society produced an exhibit tracing the rise of anti-Japanese sentiment prior to World War II to the incarceration of some 120,000 people of Japanese descent, the vast majority of them were U.S. citizens. It also summarized constitutional challenges to the executive order that authorized the incarceration brought by resisters Fred T. Korematsu, Gordon Hirabayashi and Minoru Yasui, and by internee Mitsue Endo.

The elaborate eight-panel exhibit traveled throughout the circuit during the course of the year with stops at the Sandra Day O'Connor U.S. Courthouse in Phoenix; the Richard H. Chambers Court of Appeals Building in Pasadena, California;



*The historical timeline exhibit about the Japanese internment was on display at the Richard H. Chambers Court of Appeals building in Pasadena.*



the First Street Federal Courthouse in Los Angeles; and the Pioneer Courthouse in Portland, Oregon. The exhibit also was on display at the 2017 Ninth Circuit Judicial Conference in San Francisco.

Also in 2017, the society launched a revamped website – [www.NJCHS.org](http://www.NJCHS.org) – to promote historical events around the Ninth Circuit. One of the first of those programs focused on the Japanese internment and featured noted legal scholars and the retired federal judge who overturned the conviction of Fred Korematsu in 1984. 🔑

## New Website Promotes Collaboration in Court Outreach

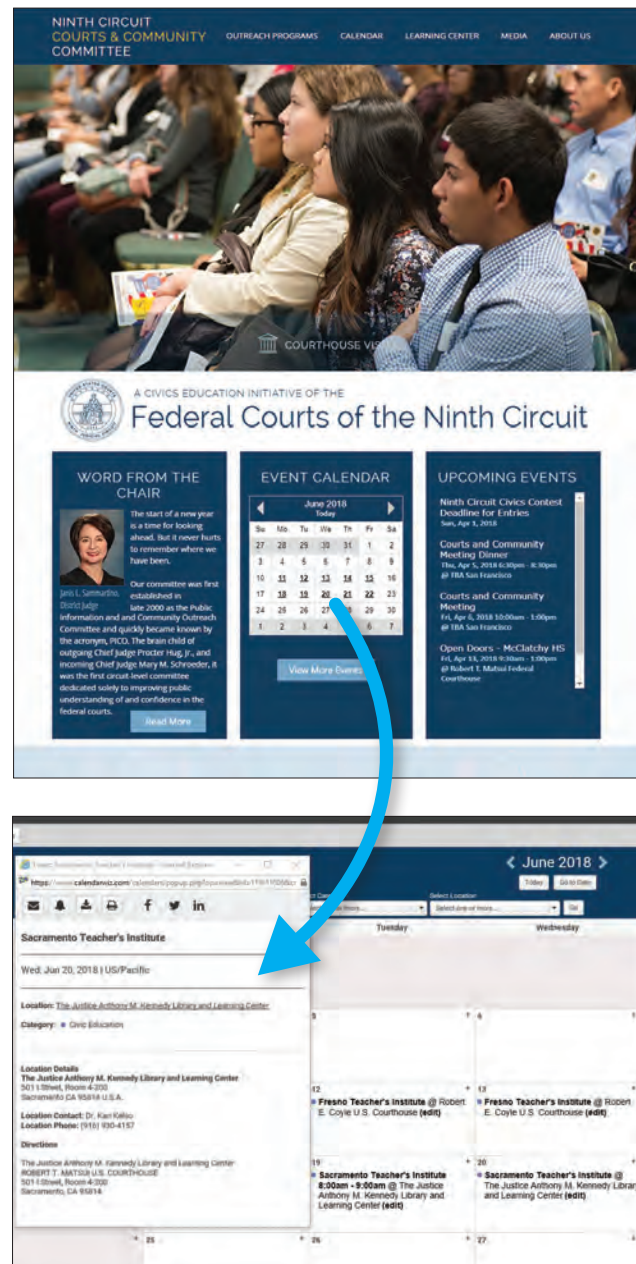
Development of a new internet website for the Ninth Circuit Judicial Council's Courts and Community Committee was completed in late December. In addition to recognizing the civics education and community outreach efforts of federal courts in the western states, the new website is expected to encourage collaboration among the courts by facilitating the sharing of information about programs, events and activities.

To be launched in early 2018, <http://community.ca9.uscourts.gov> includes an "Outreach Programs Page" providing articles and photos related to naturalization ceremonies, courthouse tours and exhibits, historical reenactments, mock trials and moot courts, student contests and teachers institutes. Videos from two media outreach programs cosponsored by the Committee also are available online.

The Committee website provides online access to the website for The Justice Anthony M. Kennedy Library and Learning Center, which is housed in the Robert T. Matsui United States Courthouse in Sacramento. The learning center is developing into the hub of future civics education and community outreach in the Ninth Circuit.

An important feature of the new Committee website is an online electronic calendaring system to track programs, events and activities taking place around the circuit. Court staff will be able to remotely enter information, which could include detailed notes about how an event or program was organized and what materials were used. The system can generate periodic reports and is accessible via any computer, tablet or smart phone.

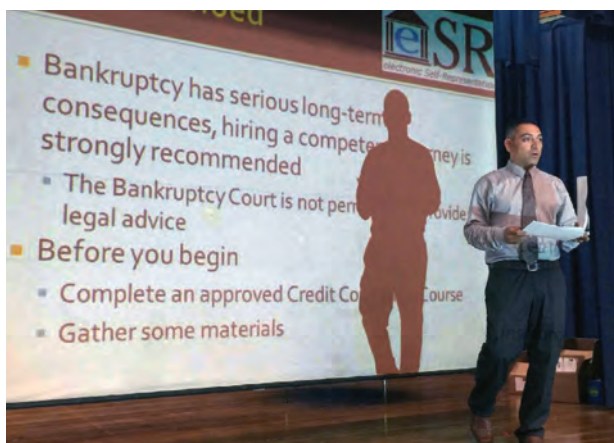
In addition to its application to tracking circuit activities, the calendaring system also allows for monitoring of space and resources at a specific location. It is currently being tested at the Kennedy Learning Center. Dr. Kari Kelso, the circuit's public education and community outreach administrator, is using the system to keep track of the numerous school visits, public meetings and other activities regularly occurring at the center. 🔑



*A new internet website – <http://community.ca9.uscourts.gov> – helps broaden the Courts and Community Committee's efforts to promote civics education and community outreach. The website highlights programs, events and activities involving all of the district and bankruptcy courts in the circuit. A new feature is an online calendar system, above, which facilitates the sharing of information among the courts and can be used to manage scheduling of space and resources at a specific location.*

# Bankruptcy Court Seeks to Curb Exploitation of Pro Se Filers

The United States Bankruptcy Court for the Central District of California undertook a broad community outreach effort in 2017 to assist people who file for bankruptcy without the benefit of legal counsel. The program was prompted, in large part, by the ongoing exploitation of these pro se filers by unscrupulous bankruptcy petition preparers, or BPPs, who often overcharge for their services, provide inaccurate or misleading legal advice, and fail to perform necessary filing tasks.



*Otoniel Gonzales, an operations supervisor in Santa Ana, was among the Central District's volunteer speakers.*

Organized by the court's Pro Se Committee of judges and attorneys, the outreach effort focused on minority groups in which would-be bankruptcy filers were unfamiliar with process and procedures and often unable to communicate in English. The court developed multi-lingual materials and presentations for these groups.

Court staff designed an "issue briefer" aimed at persons facing eviction, foreclosure or experiencing other financial distress. The pamphlet provided information about the court's self-help desks and pro bono services, including how to access electronic self-representation or eSR, the court's program for pro se debtors. It also explained the challenges facing unrepresented filers and described instances where BPPs overcharge and provided unauthorized legal services.

The outreach also involved direct community engagement. The pamphlet was sent to approximately 300 state and local representatives, neighborhood councils, and community and senior centers, generating speaking requests from various community groups and local government. The clerk office staff enthusiastically volunteered to speak at hosted events in the evenings and on the weekends. Volunteers, who spoke at events and delivered presentations about the court's services to various groups, also partnered into multilingual teams so that they could present in different languages, including Spanish and Mandarin.

To tackle the problem of BPPs, the court launched an advertisement campaign that countered their tactics. The court posted weekly ads about the court's services on Craigslist and in newspapers, placing the information in the same sections where the BPP ads appear and in English, Spanish and Korean newspapers. Over 800 informational flyers that described the court's self-help services were distributed to local libraries, cafes and community centers.

In addition to its community outreach, the Central District reviewed and updated its website content with a pro se perspective. The court looked to improve content, posted a new survey tool, opened dialogue with pro se debtors, sought feedback, and added translation links to the top five languages in the Central District. The court simplified and reorganized its website for easier access to information and featured informational videos in English and Spanish. The court expects to produce shorter, more informal videos and expand its outreach through social media.

The combination of these outreach efforts appears to have made a positive impact. Survey responses regarding the self-help resources and pro bono assistance at the court have been overwhelmingly positive. Traffic to the self-help desks remained steady or even increased, despite a decline in filings. All of these efforts can mean better results for pro se debtors. 🔑

## Federated States of Micronesia Hosts Biennial Conference for Judicial Officers and Court Staff

The 17th gathering of the Federated States of Micronesia Judicial Conference was held February 21-24, 2017, on the island of Kosrae. The conference brought together judges, judicial officers, administrators and other key court personnel from among the four island states that comprise the federation.

The FSM Conference began in 1994 and was held annually until 2005, when it was canceled due to lack of funding. However, the event resumed in 2008 as a biennial conference with assistance from the Ninth Circuit and its Pacific Island Committee.

Senior District Judge Consuelo B. Marshall of the Central District of California chaired the Pacific Island Committee in 2017 and attended the FSM Conference as one of the keynote speakers. Retired Judge Daniel P. Ryan of the Third Judicial District Court of Michigan and Professor Emerita Elizabeth Spahn of the New England School of Law in Boston were also keynote speakers.

Presentations were also made by Associate Justice Nickontro Johnny of the Pohnpei State Supreme Court; Associate Justice Larry Wentworth of the

FSM Supreme Court, David Johnson, a staff attorney; Emeliana Musrasrik of the International Organization for Migration; Atarino Helieisiar, court librarian; and Ivan Kadannged, information technology specialist.

Moderators of the conference included Chief Justice Dennis K. Yamase of the FSM Supreme Court; Chief Justice Camillo Noket of the Chuuk State Supreme Court; Chief Justice Chang B. William of the Kosrae State Court; Associate Justice Mayceleen J.D. Anson of the Pohnpei Supreme Court; and Associate Justice Jesse Torwan of the Yap State Court.

The conference focused on constitutional law, search and seizure, equal protection, evidence, ethics, judicial decision making, opinion writing, criminal and civil procedures, administrative law, human trafficking, and library resources. Sergeant Vinente Naputi and Lieutenant Leo Diaz of the U.S. Marshals Service's Training and Staff Development in Guam made a presentation and demonstrated a security training.

The conference was well-received with positive comments made about the presentations and the speakers. 🗝️



*Some 80 judges, judicial officers and court administrators gathered on the island of Kosrae for the 17th Federated States of Micronesia Conference, held February 21-24, 2017.*

## Idaho Judge Candy Dale Is New JCUS Magistrate Judge Observer



*Candy W. Dale is a magistrate judge in Boise, Idaho.*

Magistrate Judge Candy W. Dale of the United States District Court for the District of Idaho was appointed to the Judicial Conference of the United States as the magistrate judge observer. Chief Justice John G. Roberts, Jr., appointed her to a two-year term that commenced October 1, 2017.

Judge Dale is the seventh magistrate judge to serve as an observer since the position was established by the JCUS in 2004. She succeeded Magistrate Judge Kevin N. Fox of the Southern District of New York.

In her role as observer, Judge Dale will keep track of matters affecting all of the nation's magistrate judges. Ongoing policy issues include greater utilization of magistrate judges for legal proceeding; salary and classifications; and participation in court governance. In addition to observing JCUS meetings, she also will interact with the JCUS Committee on the Administration of the Magistrate Judge System and the Administrative Office of the U.S. Courts.

Judge Dale was appointed a magistrate judge in 2008 and reappointed in 2016. She served as her court's chief magistrate judge from 2008 to 2015.

She currently chairs the Local Civil Rules Advisory Committee and serves on the planning committee for the District of Idaho's annual Teacher's Institute. Judge Dale also is a member of the Ninth Circuit's Jury Trial Improvement Committee and Fairness Committee and is a past member and former chair of the Magistrate Judges Executive Board.

A native of Boise, Judge Dale received her B.S. in 1979 from the College of Idaho and her J.D. in 1982 from the University of Idaho College of Law, where she served as editor-in-chief of the Idaho Law Review. Before her appointment to the federal bench, she was a trial lawyer for over 25 years in Idaho and a member of numerous professional and community organizations.

The Judicial Conference of the United States makes policy for the federal courts and is responsible for the review of the federal courts' business, operation, administration and general rules of practice and procedure. The chief justice of the United States Supreme Court presides over JCUS, and the chief judge of each judicial circuit, the chief judge of the Court of International Trade, and a district judge from each district comprise the JCUS. 🔑

## 2017 Awards

### District of Arizona

Bankruptcy Judge Daniel P. Collins, St. Thomas Moore Society Award, Diocese of Phoenix. Chief District Judge Raner C. Collins, Federal Court Self-Service Clinic-Phoenix recipient of the 2017 For Love of Justice Pro Bono Award, Community Legal Services Volunteer Lawyers Program.

### Central District of California

District Judge Michael Walter Fitzgerald, Daniel O'Connell Award, Irish-American Bar Association of Los Angeles. Bankruptcy Judge Meredith A. Jury, Calvin Ashland Award, Central District Consumer Bankruptcy Attorneys Association. Senior District Judge Christina A. Snyder, Award, Federal Bar Association of Los Angeles. Bankruptcy Judge Maureen A. Tighe, Co-Presidents Award, LGBT Bar LA. Bankruptcy Judge Mark S. Wallace, 2017 OCBA Panel Co-Champion Award for Zeal in Tax Law, Orange County Bar Association.

### Northern District of California

District Judge Edward J. Davila, Diversity Award, Santa Clara County Bar Association. District Judge Lucy H. Koh, Federal Judge of the Year, Santa Clara County Trial Lawyers Association; Mark T. Banner Award, American Bar Association, Intellectual Property Law Section; AABA President's Award, Asian American Bar Association of the Greater Bay Area; and John Kluge Distinguished Visitor, American Academy in Berlin, Berlin, Germany. District Judge William H. Orrick III, Tara L. Riedley Barristers Choice Award as Trial Judge of the Year, Barristers Club of San Francisco; and District Judge of the Year, San Francisco Trial Lawyers Association.

### Southern District of California

Chief District Judge Barry T. Moskowitz, Outstanding Jurist Award, San Diego County Bar Association.

### District of Idaho

Magistrate Judge Candy W. Dale, Lifetime Achievement Award, Idaho Business Review, Leaders in Law; and Honorary Degree of Doctor of Laws, LL.D., College of Idaho. Bankruptcy Judge Jim D. Pappas, Idaho Bankruptcy Professionalism Award.

### District of Nevada

Magistrate Judge William G. Cobb, Justice Nancy Becker Pro Bono Project Award of Judicial Excellence, Legal Aid Center of Southern Nevada; and Certificate of Commendation for implementing and promoting the federal court's pro bono program, Nevada's Members of Congress. Magistrate Judge Cam Ferenbach, Justice Nancy Becker Pro Bono Project Award of Judicial Excellence, Legal Aid Center of Southern Nevada; and Certificate of Commendation for implementing and promoting the federal court's pro bono program, Nevada's Members of Congress.

### District of Oregon

Chief Bankruptcy Judge Trish M. Brown, Award of Merit, Debtor Creditor Section of the Oregon State Bar; Community Services Recognition Medal, Superintendent of the Coffee Creek Correctional Facility.

### Eastern District of Washington

District Judge Rosanna Malouf Peterson, Gonzaga Public Interest Law Project Award, Gonzaga University School of Law.

### Western District of Washington

Senior District Judge James L. Robart, Judge of the Year 2017, Washington Women Lawyers; Honorary Degree, Whitman College; Outstanding Judge of the Year 2017, Federal Bar Association of Western Washington. 

## Retirement Marks End of an Era for Ninth Circuit Administration

The retirement in 2017 of Circuit and Court of Appeals Executive Cathy A. Catterson marked the end of an era administratively for the United States Court of Appeals for the Ninth Circuit and federal courts in the western states. Ms. Catterson left her position on February 28, 2017, after nearly 40 years of service to the Judicial Branch.

Ms. Catterson joined the staff of the Ninth Circuit Court of Appeals in 1979 and was appointed the clerk of court in 1985. In 2007, she was appointed to the newly-created position of Circuit and Court of Appeals Executive, gaining additional duties as the administrative officer for the Office of the Circuit Executive. The office provides staff support to the Judicial Council of the Ninth Circuit and numerous services to the district and bankruptcy courts of the circuit.

Having worked alongside seven chief judges of the Ninth Circuit, Ms. Catterson played a significant role in the administration of justice and helped conceive and implement many of the innovative policies and initiatives undertaken by the federal courts of the West. Over almost 10 years as the circuit executive, she worked with numerous chief judges and management staff of all of the district and bankruptcy courts in the circuit. She also participated in judicial governance at the national level, including meetings held in conjunction with the biannual gatherings of the Judicial Conference of the United States.

Ninth Circuit Chief Judge Sidney R. Thomas, who assumed the gavel in 2014, described Ms. Catterson as “the center of gravity for our court for almost four decades, and there is not a judge on this court she has not lifted up in a time of need.” Ms. Catterson also received special recognition at the 2017 Ninth Circuit Judicial Conference in San Francisco, including a standing ovation from the more than 500 judges and lawyers in attendance.

During Ms. Catterson’s tenure as clerk of court, the Ninth Circuit’s caseload more than doubled, rising from 5,411 new filings in 1985 to 12,685 new filings in 2007. She had a central role in managing the

explosive growth, which necessitated additional staff, the introduction of computers to communicate and automate document processing, and the institution of new and innovative case management strategies.



*Courtroom 5 at the James R. Browning Courthouse was officially renamed the Cathy A. Catterson Courtroom and Conference Center.*

Ms. Catterson also managed the introduction of cameras into Ninth Circuit courtrooms. What began in 1991 as a small pilot program allowing the media to video record a few cases a year evolved into today’s highly-advanced, court-operated system that provides live video streaming of all oral arguments.

Ms. Catterson’s biggest managerial test came in 1989 when heavy damage from the Loma Prieta Earthquake forced the court to evacuate its San Francisco headquarters. Using temporary venues, the court never missed a session during the initial disruption and later relocated to a downtown office complex, where court business was conducted until the courthouse reopened in 1997.

A native of Queens, New York, Ms. Catterson received her undergraduate degree in 1974 from Catholic University of America and her J.D. in 1978 from George Mason University Law School. Prior to coming to the court, she had worked in Washington, D.C., as a law clerk to U.S. District Court Judge Edward J. Devitt of Minnesota and as a staff assistant to U.S. Senator Jacob K. Kavits of New York. 

## Ninth Circuit Finds New Circuit Executive Close to Home

After conducting a nationwide recruitment, the Ninth Circuit found its next top administrator relatively close to home. Elizabeth A. "Libby" Smith, clerk of court for the federal courts in Idaho, was appointed circuit executive in May 2017. She succeeds Cathy A. Catterson, who retired after a long and illustrious career in the Ninth Circuit.

In announcing the appointment, Ninth Circuit Chief Judge Sidney R. Thomas said Ms. Smith was "well known and admired in the circuit and brings the kinds of experience and management skills needed to succeed in this very challenging job."

As circuit executive, Ms. Smith, 51, will report directly to Chief Judge Thomas and serve as the secretary of the Judicial Council of the Ninth Circuit. She will lead the Office of the Circuit Executive, whose 38 employees provide a wide variety of services to all of the federal courts of the circuit.

Ms. Smith previously managed a consolidated clerk's office that provides administrative services to both the U.S. District Court and the U.S. Bankruptcy Court for the District of Idaho. She assumed the post in 2009 and is credited with bringing about innovative changes that improved court efficiency and cut costs. Ms. Smith was responsible for operations in four district courthouses and provided services to six judges.

In addition to managerial experience at the district level, Ms. Smith has participated in court governance at



*Circuit Executive Elizabeth A. "Libby" Smith, left, with Cathy A. Catterson at the Northern District of California FBA luncheon, which included a tribute to Ms. Catterson. Ms. Smith succeeded Ms. Catterson as circuit executive in May 2017.*

the circuit and national levels. Ms. Smith's contributions were recognized in 2016, when she was selected as one three recipients of the Director's Award for Outstanding Leadership, the highest honor for judicial branch employees.

Prior to coming to the District of Idaho, Ms. Smith held administrative posts in both federal and state courts in her native Michigan. She served as the chief deputy clerk for the U.S. District Court for the Eastern District of Michigan, from 2006 to 2009, and was the deputy court administrator and a divisional manager for the Michigan Sixth Judicial Circuit Court, from 1999 to 2006. Over the course of her career, she has also served as a judicial assistant, jury administrator and program analyst.

A native of Lansing, Michigan, Ms. Smith attended Walsh College, where she earned an M.S. in business information technology and B.S. in business administration. 🔑

## Administrative Changes in the Ninth Circuit



Kurt G. Alme was appointed United States attorney for the District of Montana on September 21, 2017. He was previously the first assistant U.S. attorney in the office. Prior to government service, he had served as president and general

counsel of the Yellowstone Boys and Girls Ranch Foundation; practiced law and was a partner with Crowley Fleck PLLP; and served as director of the Montana Department of Revenue. Mr. Alme received his bachelor's degree from the University of Colorado and his J.D. from Harvard Law School. He served as a law clerk to Judge Charles Lovell of the U.S. District Court for the District of Montana.



Alan L. Braverman was appointed United States attorney for the Southern District of California on November 16, 2017. Mr. Braverman had been a federal prosecutor in San Diego since 2008 and had served as deputy chief of the Criminal

Enterprises Section. He also served as a law clerk for Judge Consuelo M. Callahan of the U.S. Court of Appeals for the Ninth Circuit in 2007. In 2004, he worked in private practice at Goodwin Procter in Washington, D.C. Mr. Braverman began his career as a law clerk for Washington, D.C. Superior Court Judge Ann O'Regan Keary in 2000, then he was a law clerk for U.S. District Judge Reggie B. Walton in the District of Columbia in 2002. Mr. Braverman received his B.A. from George Washington University in 1997 and his J.D. from George Washington University School of Law in 2000.



Bart M. Davis was appointed United States attorney for the District of Idaho on September 21, 2017. Mr. Davis had previously been a member of the Idaho State Senate since 1998 and had served as majority leader since 2002. Mr. Davis received

his B.A. from Brigham Young University in 1978 and his J.D. from the University of Idaho College of Law in 1980. Following law school, he had practiced commercial, construction, business, real property and bankruptcy law in Idaho Falls. In addition, Mr. Davis had been active in the Idaho State Bar as a commissioner to the National Conference of Commissioners on Uniform State Laws and a Lawyer Representative to the Ninth Circuit Judicial Conference.



Debra Kempf was appointed clerk of court of the United States District Court for the District of Nevada on January 5, 2017. Ms. Kempf had been the chief deputy clerk since 2005 for the U.S. District Court for the Southern District of Florida.

Prior to her federal service, Ms. Kempf worked for 18 years in the Minnesota state court system, where she held several senior level management positions in the Hennepin County District Court. She earned her bachelor's degree in speech communications and marketing from Saint Cloud State University and her master's degree in public affairs with a concentration in public management and policy analysis from the University of Minnesota.



Stephen W. Kenyon was appointed clerk of court of the U.S. District and Bankruptcy Courts for the District of Idaho on June 19, 2017. Prior to his federal service, Mr. Kenyon had been the clerk of the Idaho Supreme Court and the Idaho

Court of Appeals since 2005. He is a certified public accountant and a member of the Idaho State Bar. Mr. Kenyon received his bachelor's degree from the Idaho State University and his J.D. from the University of Idaho.



Bryan D. Schroder was appointed United States attorney for the District of Alaska on November 9, 2017. Mr. Schroder had worked in the Office of the U.S. Attorney for Alaska for more than 12 years and previously served as acting U.S. attorney, first assistant U.S.

attorney and chief of the Criminal Division. Prior to becoming a federal prosecutor, Mr. Schroder served in the U.S. Coast Guard for 24 years and is a retired captain. Mr. Schroder graduated from the U.S. Coast Guard Academy in 1981 and received his J.D. from the University of Washington School of Law in 1991.



## First All-Female Ninth Circuit BAP Panel

*The Ninth Circuit Bankruptcy Appellate Panel made history on March 23, 2017, with its first all-women panel. Bankruptcy Judge Meredith A. Jury of the Central District of California, center, the chief judge of the BAP, presided over the historic sitting in Sacramento. Joining her on the bench were Bankruptcy Judges Laura S. Taylor of the Southern District of California, left, and Julia W. Brand, also from the Central District of California. Judge Jury informed the parties of the historic nature of the sitting. In later discussions, she noted that, while it may be a while before another all-women panel is drawn, she was pleased to see a growing number of female attorneys appearing before the BAP.*



## Construction Begins for New Courthouse in the Northern Mariana Islands



Judges and staff of the United States District Court for the Northern Mariana Islands welcomed the start of work on a long-awaited new federal courthouse on the island of Saipan. A groundbreaking ceremony for the courthouse was held December 6, 2017, at the building site.

Speakers at the ceremony included NMI Lieutenant Governor Victor B. Hocog, Chief District Judge Ramona V. Manglona and Dan Brown, regional administrator, General Services Administration Pacific Rim Region.

"We are thrilled to break ground and look forward to a new courthouse that will meet modern federal judicial standards and security requirements," Judge Manglona remarked.

The three-story, 35,696-square-foot courthouse will include a courtroom, chambers for two

judges and a jury assembly room. It also will house offices for the court's Probation Services, the U.S. Attorney, the U.S. Marshals Service and the Federal Protective Service.

The new facility will meet the judiciary's functional and security needs. The design incorporates innovative lighting and landscaping, energy efficient fixtures and wastewater technologies projected to realized future cost savings and conserve resources.

The project is made possible by a 20-year lease/construction arrangement between the federal government and Marianas Management Corporation. The courthouse is scheduled for completion in summer 2019. 🔑

## Ninth Circuit Courts to Exceed Space Reduction Goals

As the country's largest federal judicial circuit, the Ninth Circuit has played an outsized role in the Judiciary's nationwide effort to lower costs by reducing courthouse and office space.

Authorized by the Judicial Conference of the United States, the national governing body for federal courts, the five-year campaign calls for achieving a Judiciary-wide, 3 percent reduction in space by September 30, 2018. Doing so will save millions in rents paid to the General Services Administration, which acts as the landlord for federal public buildings.

The Judiciary achieved its 3 percent goal nationally one year ahead of schedule. As of September 30, 2017, nearly 880,000 square feet of space had been returned to the GSA. The Ninth Circuit accounted for 167,573 square feet of saved space, 19 percent of the national total. The U.S. Court of Appeals for the Ninth Circuit, the Ninth Circuit Library, and most of the district and bankruptcy courts in the 15 judicial districts within the circuit made contributions.

In addition to the 3 percent requirement, which expires at the end of fiscal year 2018, federal courts are now adhering to a "no-net-new" policy. The new rule requires that future expansion of space in one place be offset by the release of an equivalent amount of existing space elsewhere.

Courts are preparing for future expansion projects by reducing additional space now and banking it for later use. In the Ninth Circuit, courts identified future projects that will require an offset of 67,420 square feet, bringing the circuit's total space saving goal to 234,993 square feet, which is equivalent to the floor space in a mid-sized courthouse.

Having achieved 96 percent of the required space savings by mid-2017, the Ninth Circuit now expects to meet its target goal, including offset space, in early 2018. The circuit expects to exceed its target goal by up to 100,000 square feet when the program officially ends in 2018.

"The extent to which the Ninth Circuit plans to exceed the space reduction goal is unique," said District Judge Edward Davila of the Northern District of California, chair of the Space and Security Committee of the Judicial Council of the Ninth Circuit. The committee oversees the Ninth Circuit space savings program with staff support from the Office of the Circuit Executive.

"We are exceeding the original goal by an amount that is greater than the total space reduction goals of many other circuits," he noted.

Federal courts in the Ninth Circuit have undertaken 57 space-saving projects, many of which are made possible by greater use of technology. The Ninth Circuit Library, which maintains law libraries in each of the 15 district courts, made a major contribution, reducing its space by a total of 36,295 square feet. The largest space savings from a single project, 24,725 square feet, involved the probation, pretrial services and other offices in the U.S. District Court and U.S. Bankruptcy Court in Seattle. There were also multiple smaller projects elsewhere that contributed to the total.

Through fiscal year 2017, the space reductions in the Ninth Circuit alone have resulted in more than \$8 million in annual rent savings and generated \$4.5 million in incentive payments to courts that release space. The amount of annual rent savings is expected to grow to \$10 million when all space-saving projects are completed. 

## Court of Appeals Reduces Pending Cases, Improves Processing Times

The United States Court of Appeals for the Ninth Circuit reduced its pending caseload and case processing times in fiscal year 2017. The improvements resulted from a concerted effort to remove or resolve older, stalled cases while expediting disposition of matters ready for panel consideration.

New appeals filed with the Ninth Circuit numbered 11,096 in FY 2017, down 3.3 percent from the prior fiscal year. Appellate filings nationwide numbered 50,506, down 16.3 percent overall as all of the other circuits reported fewer new cases. The Ninth Circuit continued to be the nation's busiest federal appellate court, accounting for 22 percent of all new appeals nationally.

The Ninth Circuit disposed of 11,867 cases in FY 2017, up 0.6 percent. The court's pending caseload was reduced by 5.8 percent to 12,559 cases from 13,334.

### Appellate Caseload Profile, 2016-2017

| Caseload Measure           | 2016   | 2017   | Change 2016-17 |
|----------------------------|--------|--------|----------------|
| Filings                    | 11,473 | 11,096 | -3.3%          |
| Terminations               | 11,798 | 11,867 | 0.6%           |
| <sup>1</sup> Pending Cases | 13,330 | 12,559 | -5.8%          |

<sup>1</sup>2016 pending cases revised

### Breakdown of New Appeals

Of the new filings, about 28.1 percent of all new appeals in the Ninth Circuit involved immigration and other agency matters, while 44.5 percent of new filings were pro se cases (those involving at least one self-represented litigant).

Ninth Circuit district courts, which serve as trial courts in the federal judicial system, accounted for 62.4 percent of new filings in FY 2017. The district courts generated 6,929 new appeals, up 3.3 percent from the prior year. Of the total, 5,615 were civil appeals and 1,314 were criminal appeals. Prisoner petitions involving habeas corpus, capital habeas corpus, civil rights, prison conditions and other matters accounted for 46.9 percent of all new civil appeals from the district courts.

Among the 15 district courts of the circuit, the four California courts produced 60.4 percent of the new civil appeals and 53.6 percent of new criminal appeals. The Central District of California, the busiest court in the circuit, generated 1,894 new appeals, up 1.1 percent from the prior year.

Of the 1,314 new criminal cases, 30.1 percent were related to drug offenses and 13.2 percent were immigration offenses. The

### Ninth Circuit Court of Appeals En Banc Ballots, 2013-2017

| 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 |
|------|---------------------------------------|----------------------|----------------------------------------------|-----------------------------------------------|
| 2017 | 874                                   | 22                   | 11                                           | 11                                            |
| 2016 | 810                                   | 33                   | 19                                           | 14                                            |
| 2015 | 796                                   | 30                   | 16                                           | 14                                            |
| 2014 | 785                                   | 37                   | 17                                           | 20                                            |
| 2013 | 832                                   | 32                   | 17                                           | 15                                            |

## Filings, Terminations and Pending Cases by Appeal Type, 2016-2017

| Type of Appeal                                    | 2016 Filings | 2017 Filings | Change 2016-17 | % of Circuit Total | 2016 Terminations | 2017 Terminations | Change 2016-17 | 2016 Pending | 2017 Pending | Change 2016-17 |
|---------------------------------------------------|--------------|--------------|----------------|--------------------|-------------------|-------------------|----------------|--------------|--------------|----------------|
| Civil                                             |              |              |                |                    |                   |                   |                |              |              |                |
| U.S. Prisoner Petitions                           | 405          | 676          | 66.9%          | 6.1%               | 389               | 454               | 16.7%          | 264          | 484          | 83.3%          |
| Private Prisoner Petitions                        | 2,150        | 1,956        | -9.0%          | 17.6%              | 2,266             | 2,257             | -0.4%          | 1,608        | 1,304        | -18.9%         |
| Other U.S. Civil                                  | 542          | 571          | 5.4%           | 5.1%               | 632               | 696               | 10.1%          | 888          | 762          | -14.2%         |
| Other Private Civil                               | 2,194        | 2,412        | 9.9%           | 21.7%              | 2,152             | 2,706             | 25.7%          | 3,112        | 2,819        | -9.4%          |
| Criminal                                          | 1,416        | 1,314        | -7.2%          | 11.8%              | 1,439             | 1,381             | -4.0%          | 1,592        | 1,525        | -4.2%          |
| Other                                             |              |              |                |                    |                   |                   |                |              |              |                |
| Bankruptcy                                        | 240          | 217          | -9.6%          | 2.0%               | 220               | 316               | 43.6%          | 363          | 266          | -26.7%         |
| Administrative Agency Appeals                     | 3,236        | 3,117        | -3.7%          | 28.1%              | 3,825             | 2,919             | -23.7%         | 4,844        | 5,041        | 4.1%           |
| Original Proceedings & Miscellaneous Applications | 1,290        | 833          | -35.4%         | 7.5%               | 875               | 1,138             | 30.1%          | 663          | 358          | -46.0%         |
| Circuit Total                                     | 11,473       | 11,096       | -3.3%          | –                  | 11,798            | 11,867            | 0.6%           | 13,334       | 12,559       | -5.8%          |
| National Appellate Total                          | 60,357       | 50,506       | -16.3%         | –                  | 57,744            | 54,347            | -5.9%          | 43,275       | 39,400       | -9.0%          |
| Ninth Circuit as % of National Total              | 19.0%        | 22.0%        | 3.0%           | –                  | 20.4%             | 21.8%             | 1.4%           | 30.8%        | 31.9%        | 1.1%           |

Note: This table does not include data for the U.S. Court of Appeals for the Federal Circuit. Beginning in March 2014, data include miscellaneous cases not included previously.

## Median Time Intervals in Months for Cases Terminated on the Merits, 2016-2017

| By Stage of Appeal                                                                             | Number of Months |      |          |      |
|------------------------------------------------------------------------------------------------|------------------|------|----------|------|
|                                                                                                | Ninth Circuit    |      | National |      |
|                                                                                                | 2016             | 2017 | 2016     | 2017 |
| <sup>1</sup> From Filing of Notice of Appeal or Docket Date to Filing of Appellee's Last Brief | 9.2              | 8.7  | 5.8      | 5.8  |
| From Filing of Appellee's Last Brief to Oral Argument or Submission on Brief                   | 14.7             | 11.7 | 3.9      | 4.2  |
| From Oral Argument to Last Opinion or Final Order                                              | 1.1              | 1.2  | 2.0      | 2.4  |
| From Submission on Brief to Last Opinion or Final Order                                        | 0.2              | 0.2  | 0.3      | 0.4  |
| <sup>1</sup> From Filing of Notice of Appeal or Docket Date to Last Opinion or Final Order     | 15.2             | 13.0 | 7.4      | 9.0  |
| From Filing in Lower Court to Last Opinion or Final Order in Appeals Court                     | 37.8             | 36.1 | 30.1     | 29.9 |

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

Beginning in March 2014, data include miscellaneous applications not included previously. Cases terminated include appeals, original proceedings, and miscellaneous applications.

<sup>1</sup>Docket date is used when computing the median time intervals for original proceedings, miscellaneous applications, and appeals from administrative agencies.

court reported 395 drug offenses and 174 immigration offenses. The court received 167 appeals involving property offenses, of which 135 were related to fraud. The court received 231 appeals for offenses involving firearms and explosives, of which 61 were alleged to have committed in the course of a violent drug trafficking. Also reported were 114 appeals involving sex offenses and 76 for violent offenses.

Appeals of decisions by the Board of Immigration Appeals, or BIA, and other executive branch agencies continue to make up a substantial portion of the court's caseload. Appeals of agency decisions declined by 3.7 percent in FY 2017. Of the 3,117 appeals of agency decisions received, 2,980 involved the BIA. The BIA cases constituted 26.9 percent of the court's total new filings. The Ninth Circuit had 57.2 percent of the total BIA appeals filed nationally in FY 2017.

Original proceedings commenced in FY 2017 declined from 1,290 to 833 in FY 2017, down 35.4 percent. The bulk of original proceedings cases involved second or successive habeas corpus petitions and mandamus appeals.

### Terminations and Pending Cases

The Ninth Circuit terminated 11,867 cases in FY 2017, up 0.6 percent from the prior year. Of the total, 7,813 cases, or 65.8 percent, were decided on the merits, while 4,054 were terminated on procedural grounds. Of the merits decisions, 1,537 came after oral argument, down 1.2 percent, and 5,919 after submission on the briefs, up 14.9 percent from the prior year. In addition, 357 cases were terminated through consolidation. Excluding consolidated cases, total merit terminations

### Sources of Appeals, Original Proceedings, and Miscellaneous Applications Commenced, 2017

| District                                                   | Appeals | % of Total |
|------------------------------------------------------------|---------|------------|
| Alaska                                                     | 77      | 0.7%       |
| Arizona                                                    | 688     | 6.2%       |
| C. Calif.                                                  | 1,894   | 17.1%      |
| E. Calif.                                                  | 778     | 7.0%       |
| N. Calif.                                                  | 924     | 8.3%       |
| S. Calif.                                                  | 497     | 4.5%       |
| Guam                                                       | 14      | 0.1%       |
| Hawaii                                                     | 118     | 1.1%       |
| Idaho                                                      | 152     | 1.4%       |
| Montana                                                    | 180     | 1.6%       |
| Nevada                                                     | 629     | 5.7%       |
| Northern Mariana Islands                                   | 11      | 0.1%       |
| Oregon                                                     | 374     | 3.4%       |
| E. Wash.                                                   | 123     | 1.1%       |
| W. Wash.                                                   | 470     | 4.2%       |
| <b>Bankruptcy</b>                                          | 217     | 2.0%       |
| <b>Administrative Agencies, Total</b>                      | 3,117   | 28.1%      |
| IRS                                                        | 42      | 0.4%       |
| NLRB                                                       | 35      | 0.3%       |
| BIA                                                        | 2,980   | 26.9%      |
| Other Administrative Agencies                              | 60      | 0.5%       |
| <b>Original Proceedings and Miscellaneous Applications</b> | 833     | 7.5%       |
| <b>Circuit Total</b>                                       | 11,096  | —          |

included 2,008 prisoner cases, 938 criminal cases and 1,166 administrative agency appeals. For the year, judicial panels produced 500 published opinions and 6,956 unpublished opinions.

Among cases terminated on the merits in FY 2017, 4,600 were affirmed or enforced, 935 reversed, 31 remanded and 676 dismissed. The court's overall reversal rate was 10.5 percent, compared to a national average of 9.4 percent. By category, 15.9 percent of criminal cases and 14.8 percent of civil cases were reversed or remanded.

The court's pending cases numbered 12,559, down 5.8 percent from the prior year. Among the pending cases, 40.1 percent involved administrative appeals; 28.5 percent civil

matters; 14.2 percent prisoner petitions; and 12.1 percent criminal matters. Of the pending caseload, 36.5 percent had been pending less than six months, 21.6 percent pending six to 12 months, and 41.8 percent pending for more than 12 months.

### **Median Time Intervals**

Median time intervals measure how long it takes for cases decided on the merits to proceed through the appellate process. In the Ninth Circuit in FY 2017, the median time interval from filing of a notice of appeal to final disposition was 13 months, down from 15.2 months in the prior fiscal year.

The time interval from the filing of a case in a lower court to a final disposition was 36.1 months, down from 37.8 months in FY 2016. The national median time intervals were nine months from notice of appeal to final disposition by a circuit court of appeals and 29.9 months from the filing of a case in a lower court to final disposition by a circuit court.

Once an appeal was fully briefed, Ninth Circuit judges decide all types of cases fairly quickly. In FY 2017, the median time interval for panel decisions was 1.2 months for a case in which oral argument was held and about six days for cases submitted on briefs.

### **Pro Se Filings and Terminations**

Pro se appeals involve at least one party who is not represented by counsel. In FY 2017, new appeals by pro se litigants numbered 4,941. Pro se litigants accounted for 44.5 percent of all appeals opened during the year. Federal and state prisoner petitions, which numbered 1,970, and agency appeals, which numbered 1,102, made up 62.2 percent of the new pro se cases.

The court terminated 5,731 pro se appeals in FY 2017, up 7.7 percent from the prior year. Of that number, 3,667 were terminated on the merits after oral argument, submissions on the briefs, or by consolidation. Prisoner petitions and agency appeals made up the bulk of the terminations.

### **En Banc Cases**

En banc courts, which consist of 11 judges rather than three, are convened quarterly to resolve intra-circuit conflicts or other legal questions of exceptional importance. During the fiscal year, the court received 874 petitions seeking en banc review. Active judges of the court voted on 22 en banc requests, granting en banc review in 11 cases. The court issued 14 en banc decisions in FY 2017, the most by any circuit court. Twelve en banc courts were convened during the calendar year.

### **Death Penalty Cases**

The court ended calendar year 2017 with 103 pending death penalty appeals resulting from crimes in four states: California, 42 cases; Arizona, 38; Nevada 20; and Idaho, 3. Within the circuit, another 670 death penalty cases are pending in federal trial courts and state supreme courts. There were 1,004 prisoners on death row. Since 1976, there have been 75 executions by states within the circuit.

### **Contributions by Active, Senior and Visiting Judges**

The court ended FY 2017 with 24 active circuit judges and 17 senior circuit judges. Active circuit judges issued 51 percent of all written opinions. Senior judges issued 41.8 percent of the opinions, while visiting judges sitting by designation authored the remaining 7.2 percent of opinions. 

# While Criminal Filings Rise, District Courts Caseloads Decline Overall

United States district courts serve as the trial courts in the federal judicial system and have jurisdiction to consider civil and criminal matters and other types of cases. A district court operates in each of the 94 judicial districts in the nation.

Ninth Circuit district courts experienced a decrease in caseload during fiscal year 2017. Total new case filings numbered 60,192, down 1.4 percent from FY 2016. The circuit accounted for 18.4 percent of all filings nationwide, which totaled 327,557.

## Criminal Caseload and Defendants

Beginning in FY 2012, data on criminal cases commenced by offense and district are no longer published by the Administrative Office of the U.S. Courts. Data on criminal defendants commenced by offense continues to be used because it takes into account that a single case may have multiple defendants.

Criminal cases brought by the federal government increased in FY 2017. District courts in the Ninth Circuit reported 13,015 criminal filings, up 4.1

## U.S. District Courts - Criminal Defendants Commenced by Offense and District, 2016-2017

|                                         | AK  | AZ    | C. Calif. | E. Calif. | N. Calif. | S. Calif. | GU | HI  | ID  | MT  | NMI | NV  | OR  | E. Wash. | W. Wash. | Total 2016 | Total 2017 | Change 2016-17 |
|-----------------------------------------|-----|-------|-----------|-----------|-----------|-----------|----|-----|-----|-----|-----|-----|-----|----------|----------|------------|------------|----------------|
| <b>Violent Offenses</b>                 |     |       |           |           |           |           |    |     |     |     |     |     |     |          |          |            |            |                |
| Homicide                                | 1   | 49    | 2         | 0         | 0         | 0         | 0  | 0   | 0   | 7   | 0   | 1   | 0   | 2        | 0        | 59         | 62         | 5.1%           |
| Robbery                                 | 9   | 29    | 16        | 1         | 9         | 7         | 0  | 4   | 4   | 6   | 0   | 10  | 26  | 1        | 2        | 83         | 124        | 49.4%          |
| Assault                                 | 2   | 146   | 41        | 8         | 3         | 34        | 1  | 1   | 7   | 20  | 0   | 9   | 16  | 12       | 24       | 335        | 324        | -3.3%          |
| Other                                   | 5   | 36    | 5         | 1         | 11        | 12        | 1  | 6   | 4   | 4   | 0   | 16  | 7   | 3        | 2        | 139        | 113        | -18.7%         |
| <b>Property Offenses</b>                |     |       |           |           |           |           |    |     |     |     |     |     |     |          |          |            |            |                |
| Burglary, Larceny & Theft               | 5   | 40    | 120       | 18        | 21        | 19        | 12 | 12  | 5   | 9   | 1   | 15  | 10  | 6        | 76       | 432        | 369        | -14.6%         |
| Embezzlement                            | 3   | 9     | 3         | 2         | 12        | 2         | 0  | 0   | 3   | 4   | 0   | 8   | 4   | 4        | 4        | 67         | 58         | -13.4%         |
| Fraud                                   | 21  | 219   | 259       | 75        | 97        | 271       | 13 | 34  | 33  | 21  | 9   | 92  | 35  | 25       | 42       | 1,243      | 1,246      | 0.2%           |
| Forgery & Counterfeiting                | 4   | 3     | 20        | 5         | 0         | 1         | 0  | 11  | 4   | 2   | 0   | 4   | 5   | 6        | 2        | 57         | 67         | 17.5%          |
| Other                                   | 2   | 1     | 7         | 17        | 4         | 1         | 0  | 0   | 2   | 0   | 0   | 6   | 7   | 0        | 10       | 51         | 57         | 11.8%          |
| <b>Drug Offenses</b>                    |     |       |           |           |           |           |    |     |     |     |     |     |     |          |          |            |            |                |
| Marijuana                               | 5   | 1,414 | 33        | 39        | 2         | 61        | 1  | 3   | 4   | 3   | 0   | 0   | 2   | 13       | 48       | 2,593      | 1,628      | -37.2%         |
| All Other Drugs                         | 81  | 552   | 452       | 218       | 194       | 1,584     | 31 | 91  | 137 | 127 | 5   | 86  | 130 | 151      | 167      | 3,394      | 4,006      | 18.0%          |
| <b>Firearms and Explosives Offenses</b> | 52  | 166   | 134       | 70        | 123       | 63        | 4  | 12  | 59  | 94  | 0   | 166 | 82  | 47       | 68       | 1,031      | 1,140      | 10.6%          |
| <b>Sex Offenses</b>                     | 26  | 125   | 35        | 35        | 30        | 50        | 1  | 5   | 28  | 40  | 0   | 32  | 35  | 42       | 41       | 510        | 525        | 2.9%           |
| <b>Justice System Offenses</b>          | 4   | 58    | 5         | 10        | 17        | 37        | 1  | 5   | 5   | 6   | 0   | 14  | 12  | 10       | 9        | 201        | 193        | -4.0%          |
| <b>Immigration Offenses</b>             |     |       |           |           |           |           |    |     |     |     |     |     |     |          |          |            |            |                |
| Improper Reentry by Alien               | 0   | 2,159 | 88        | 32        | 42        | 1,120     | 1  | 1   | 54  | 9   | 0   | 96  | 95  | 66       | 63       | 3,532      | 3,826      | 8.3%           |
| Other                                   | 0   | 315   | 11        | 0         | 1         | 1,176     | 1  | 2   | 9   | 0   | 8   | 0   | 0   | 6        | 3        | 1,118      | 1,532      | 37.0%          |
| <b>General Offenses</b>                 | 4   | 61    | 29        | 11        | 17        | 27        | 1  | 5   | 1   | 10  | 0   | 58  | 12  | 6        | 51       | 321        | 293        | -8.7%          |
| <b>Regulatory Offenses</b>              | 5   | 70    | 70        | 18        | 42        | 35        | 1  | 4   | 2   | 4   | 0   | 6   | 10  | 0        | 13       | 310        | 280        | -9.7%          |
| <b>Traffic Offenses</b>                 | 1   | 1     | 16        | 2         | 20        | 0         | 0  | 7   | 0   | 0   | 0   | 0   | 0   | 0        | 225      | 292        | 272        | -6.8%          |
| <b>All Offenses Total</b>               | 230 | 5,453 | 1,346     | 562       | 645       | 4,500     | 69 | 203 | 361 | 366 | 23  | 619 | 488 | 400      | 850      | 15,768     | 16,115     | 2.2%           |

percent from FY 2016. Criminal cases terminated during the year numbered 12,549, up 2.7 percent, while the courts' combined pending criminal caseload totaled 13,021, up 3.8 percent.

Nine out of the 15 districts reported more criminal cases in fiscal year 2017. The Ninth Circuit as a whole accounted for 21.8 percent of the criminal caseload nationally, which numbered 59,788, up 1.2 percent from the prior fiscal year.

In the Ninth Circuit, the total number of defendants involved in criminal cases was up 2.1 percent to 16,144 cases in FY 2017. A majority of the defendants, 14,257, were charged with felony offenses. Defendants charged with drug offenses numbered 5,634 and accounted for 34.9 percent of total criminal defendants in the circuit, down 5.9 percent from the prior fiscal year. Of the total drug offenses, 1,628 involved marijuana and 4,006 involved all other drug offenses.

### U.S. District Courts: Weighted and Unweighted Filings Per Authorized Judgeship

| District       | Authorized Judgeships | Weighted Filings Per Judgeship |          |                      |            |            |                | Unweighted Filings Per Judgeship |          |                      |            |
|----------------|-----------------------|--------------------------------|----------|----------------------|------------|------------|----------------|----------------------------------|----------|----------------------|------------|
|                |                       | Civil                          | Criminal | Supervision Hearings | 2017 Total | 2016 Total | Change 2016-17 | Civil                            | Criminal | Supervision Hearings | 2017 Total |
| Alaska         | 3                     | 102                            | 115      | 1.0                  | 218        | 221        | -1.4%          | 111                              | 77       | 9.7                  | 197        |
| Arizona        | 13                    | 336                            | 333      | 9.7                  | 678        | 707        | -4.1%          | 423                              | 419      | 120.2                | 962        |
| C. Calif.      | 28                    | 504                            | 63       | 2.8                  | 570        | 567        | 0.5%           | 488                              | 48       | 34.0                 | 569        |
| E. Calif.      | 6                     | 624                            | 130      | 5.2                  | 759        | 794        | -4.4%          | 719                              | 92       | 49.8                 | 861        |
| N. Calif.      | 14                    | 486                            | 64       | 3.0                  | 553        | 499        | 10.8%          | 465                              | 46       | 37.1                 | 548        |
| S. Calif.      | 13                    | 204                            | 352      | 7.1                  | 563        | 527        | 6.8%           | 201                              | 346      | 87.3                 | 634        |
| Hawaii         | 4                     | 162                            | 74       | 4.6                  | 240        | 226        | 6.2%           | 159                              | 51       | 52.3                 | 262        |
| Idaho          | 2                     | 238                            | 228      | 4.5                  | 470        | 495        | -5.1%          | 263                              | 180      | 50.5                 | 493        |
| Montana        | 3                     | 188                            | 188      | 6.4                  | 383        | 410        | -6.6%          | 215                              | 121      | 59.3                 | 395        |
| Nevada         | 7                     | 522                            | 134      | 3.5                  | 659        | 541        | 21.8%          | 557                              | 88       | 38.4                 | 684        |
| Oregon         | 6                     | 296                            | 108      | 6.6                  | 411        | 496        | -17.1%         | 333                              | 82       | 82.2                 | 496        |
| E. Wash.       | 4                     | 158                            | 136      | 11.7                 | 305        | 294        | 3.7%           | 209                              | 100      | 128.0                | 437        |
| W. Wash.       | 7                     | 386                            | 83       | 4.6                  | 473        | 468        | 1.1%           | 419                              | 122      | 52.7                 | 593        |
| Circuit Total  | 110                   | 4,206                          | 2,008    | 70.7                 | 6,282      | 6,245      | 0.6%           | 4,562                            | 1,772    | 801.5                | 7,131      |
| Circuit Mean   | –                     | 324                            | 154      | 5.4                  | 483        | 480        | 0.6%           | 351                              | 136      | 61.7                 | 549        |
| Circuit Median | –                     | 296                            | 130      | 4.6                  | 473        | 496        | -4.6%          | 333                              | 92       | 52.3                 | 548        |
| National Mean  | –                     | 308                            | 138      | 4.2                  | 451        | 457        | -1.3%          | 351                              | 114      | 44.1                 | 509        |
| National Total | 673                   | 341                            | 131      | 3.7                  | 475        | 483        | -1.7%          | 375                              | 114      | 40.3                 | 529        |

Note: Case weights are based on the 2015 district court case weighting system approved by the Judicial Conference of the United States for use after December 2016. Data for the territorial courts are not included. 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 criminal cases filed as felonies or Class A misdemeanors but includes only those defendants in criminal cases filed as petty offenses that were assigned to district judges rather than magistrate judges. Remands and reopens for criminal defendants are excluded. This table includes trials conducted by district and appellate judges only; all trials conducted by magistrate judges are excluded. Sentencing hearings are excluded. Due to rounding, subtotals may not equal totals.

Criminal defendants charged with immigration offenses were up 15.2 percent to 5,358 cases in FY 2017. Immigration offenses constituted 33.2 percent of all criminal defendants in the circuit. Of the total, 3,826 defendants were charged with improper reentry into the United States.

The District of Arizona, which takes in 389 miles of the U.S.-Mexico border, ranked first in the nation in number of defendants charged with drug offenses, totaling 1,966 and down 31.3

percent from the prior fiscal year. The district accounted for 34.9 percent of all defendants charged with drug offenses in the circuit. The district also ranked first in the nation in number of defendants charged with immigration offenses, which numbered 2,474, down 4.6 percent from the prior fiscal year, and accounted for 46.2 percent of the circuit total.

### U.S. District Courts - Total Criminal and Civil Cases Filed, Terminated and Pending, 2016-2017

| Caseload Measure                                                  | 2016   | 2017   | <sup>1</sup> Change 2016-17 |
|-------------------------------------------------------------------|--------|--------|-----------------------------|
| Civil Filings                                                     | 48,523 | 47,177 | -2.8%                       |
| Criminal Filings                                                  | 12,504 | 13,015 | 4.1%                        |
| Total Filings                                                     | 61,027 | 60,192 | -1.4%                       |
| Civil Terminations                                                | 44,383 | 44,624 | 0.5%                        |
| Criminal Terminations                                             | 12,222 | 12,549 | 2.7%                        |
| Total Terminations                                                | 56,605 | 57,173 | 1.0%                        |
| <sup>2</sup> Pending Civil Cases                                  | 42,400 | 44,953 | 6.0%                        |
| Pending Criminal Cases                                            | 12,545 | 13,021 | 3.8%                        |
| <sup>2</sup> Total Pending Cases                                  | 54,945 | 57,974 | 5.5%                        |
| <sup>2</sup> Civil Case Termination Index (in months)             | 11.46  | 12.09  | 5.5%                        |
| Criminal Case Termination Index (in months)                       | 12.31  | 12.45  | 1.1%                        |
| <sup>2</sup> Overall Case Termination Index                       | 11.65  | 12.17  | 4.5%                        |
| <b>Median Time Intervals in Months from Filing to Disposition</b> |        |        |                             |
| Civil Cases                                                       | 6.9    | 6.8    | -1.4%                       |
| Criminal Defendants                                               | 5.8    | 5.8    | -                           |
| Civil Cases National Total                                        | 9.2    | 9.9    | 7.6%                        |
| Criminal Defendants National Total                                | 7.1    | 7.1    | -                           |

Note: Median time interval from filing to disposition of civil cases terminated excludes land condemnation, prisoner petitions, deportation reviews, recovery of overpayments and enforcement of judgments. Includes cases filed in previous years as consolidated cases that thereafter were severed into individual cases. For fiscal years prior to 2001, the data included recovery of overpayments and enforcement of judgments. Median computed only for 10 or more cases.

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

<sup>2</sup>2016 total pending civil cases and total pending cases revised

The Southern District of California, also located on the U.S.-Mexico border, ranked second in the circuit for the largest numbers of defendants charged with immigration and drug offenses. The district reported 2,296 defendants charged with immigration offenses, up 51.4 percent, and 1,645 defendants charged with drug offenses, up 28 percent. The Southern District of California had 42.9 percent of all defendants with immigration offenses and 29.2 percent of all defendants with drug offenses in the circuit.

Ninth Circuit district courts in the circuit reported 1,797 defendants charged with property offenses. Under this category, defendants charged with fraud were most numerous, totaling 1,246, followed by burglary, larceny or theft, 369; forgery and counterfeiting, 67; embezzlement, 58; and 57 for other property offenses.

In the Ninth Circuit, defendants charged with firearms and explosives offenses numbered 1,140. Violent offenses, which includes homicide, robbery, assault and other violent offenses, numbered 623.

Ninth Circuit district courts pending criminal caseloads were up 3.8 percent to 13,021 cases, with four of the district courts reporting fewer pending criminal cases in fiscal year 2017.

## Civil Caseload

Civil filings in the district courts were down 2.8 percent to 47,177 civil filings compared to the prior fiscal year. Civil matters accounted for 78.4 percent of total caseloads in the district courts. Civil filings nationally numbered 267,769, down 8.3 percent in FY 2017.

Private civil cases, which numbered 39,506, accounted for 83.7 percent of all new civil filings in the circuit. Prisoner petitions were most numerous under this category, totaling 8,318, or 21.1 percent of all private civil cases in the circuit.

Civil rights cases numbered 8,089 cases or 20.5 percent of all private civil cases in the circuit. Private civil cases also included contract dispute, 3,962 or 10 percent; personal injury suits, 4,926 or 12.5 percent; intellectual property suits, 2,705 or 6.8 percent; real property suits, 2,388 or 6 percent; and labor suits, 2,242 or 5.7 percent.

The U.S. government was a party in 7,671 civil cases, accounting for 16.3 percent of total civil cases in the Ninth Circuit. The government acted as a plaintiff in 888 cases and as a defendant in 6,783 cases. Among the matters involving the government, social security cases were most numerous, 3,804 cases, or 49.6 percent of the total U.S. civil cases in the Ninth Circuit. Prisoner petitions followed with 1,408 cases, or 18.4 percent, and were down 53 percent in FY 2017. Other categories were tort actions, 417 cases or 5.4 percent; civil rights, 314 cases or 4.1 percent; contracts, 191 cases or 2.5 percent; and forfeitures and penalties, 266 cases or 3.5 percent.

Ten out of the 15 districts reported decreased civil filings in fiscal year 2017. The Central District of California, which ranked first in number of civil cases filed in the circuit and in the nation, reported 14,275 cases, down 3.1 percent from the prior fiscal year. Filings in the District of Oregon were down 18.2 percent to 2,059 cases; the Eastern District of California, down 8.3 percent to 4,436 cases; the Southern District of California, down 17.7 percent

to 2,920 cases; the District of Hawaii, down 7.8 percent to 700 cases; the District of Montana, down 4.3 percent to 663 cases; the Western District of Washington, down 3.7 percent to 3,031 cases; the District of Idaho, down 9 percent to 545 cases; the District of Alaska, down 8.5 percent to 345 cases; and the District of the Northern Mariana Islands, down 31.6 percent to 26 cases.

The District of Nevada reported increased civil filings, up 10.1 percent to 4,003 cases; the Northern District of California, up 1.8 percent to 7,438 cases; the District of Arizona, up 6.3 percent to 5,642 cases; and the Eastern District of Washington, up 2.7 percent to 972 cases. The District of Guam reported 122 cases, 40 more cases than the prior year and up 48.8 percent.

Civil cases terminated by district courts were up 0.5 percent to 44,624 cases, and pending cases were up 6 percent to 44,953 cases in FY 2017. Nationally, civil case terminations were up 6.7 percent to 289,901 cases, while pending cases were down 6.2 percent to 339,131 cases.

## Case Processing Times

Case processing times in the district courts of the Ninth Circuit were virtually unchanged from the prior fiscal year. The Case Termination Index, which computes how long it would take to clear the pending caseload if the current termination rate remained constant, increased to 12.17 months compared to 11.65 months the prior fiscal year.

The median time from filing to disposition of civil cases in the Ninth Circuit decreased to 6.8 months compared to 6.9 months the prior fiscal year. The national median time increased to 9.9 months in FY 2017.

For criminal defendants, there was no change in median time from filing to disposition in the Ninth Circuit. The Ninth Circuit had a median time of 5.8 months, reporting no change from the prior year. The national median time also had no change, reporting a median time of 7.1 months in FY 2017.



# Decline in Bankruptcy Filings Slows in 2017

While bankruptcy filings in the United States continued to decline, the rate of decline slowed appreciably in 2017. The slowdown was seen in filings by both businesses and individuals.

New bankruptcy filings nationally were down 1.8 percent in fiscal year 2017, compared to a 6.3 percent decline in 2016. In the Ninth Circuit, new filings were down 5.2 percent, compared to a decline of 11.1 percent in 2016.

Bankruptcy courts nationally and in the Ninth Circuit reported the fewest new filings since peaking in 2010 as the Great Recession took hold. In 2017, bankruptcy courts nationally reported 790,830 new filings. Bankruptcy courts in the Ninth Circuit reported 128,102 new filings, 16.2 percent of the national total.

In the Ninth Circuit, 13 of 15 judicial districts are served by a bankruptcy court (district judges preside over bankruptcy cases in Guam and the Northern Mariana Islands). Twelve of the 13 bankruptcy courts reported fewer filings in 2017. The biggest numerical decrease in filings occurred in the Central District of California, while the Western District of Washington had the largest decline percentage-wise.

The Central District of California, which serves nearly 20 million people in Los Angeles and six Southern California counties, had 39,325 new filings, 2,900 fewer cases than the prior year. The change amounted to a 6.9 percent reduction in new filings. The Western District of Washington reported 11,129 new filings, down 12.6 percent from 2016.

While most of the bankruptcy courts reported a percentage-wise decline in filings, the decrease in filings was less than it was reported a year ago. Compared to last year's 12.2 percent decline, the Eastern District of California did not see a percentage-wise change in filings between 2016 and 2017. The Southern District of California saw a smaller percent change in filings, down only 0.8 percent in 2017, compared to a 7 percent decrease in 2016.

Outside of California, other districts also saw smaller percentage changes from the prior year. The District of Oregon had a 4.3 percent decrease in filings in 2017, down from the 14.8 percent decline in 2016. In 2016, filings in the District of Arizona were down 8.9 percent, while the decline in 2017 was only 1.3 percent. In Idaho, the percentage decline in 2017 was 1.8 percent, compared to the 7.7 percent decline in FY 2016.

## Ninth Circuit Bankruptcy Courts, 2016-2017

| District         | 2016<br>Total Filings | 2017<br>Total Filings | Change<br>2016-17 |
|------------------|-----------------------|-----------------------|-------------------|
| Alaska           | 434                   | 460                   | 6.0%              |
| Arizona          | 15,895                | 15,682                | -1.3%             |
| C. Calif.        | 42,225                | 39,325                | -6.9%             |
| E. Calif.        | 15,528                | 15,526                | 0.0%              |
| N. Calif.        | 10,607                | 9,394                 | -11.4%            |
| S. Calif.        | 8,263                 | 8,201                 | -0.8%             |
| Guam             | 152                   | 143                   | -5.9%             |
| Hawaii           | 1,463                 | 1,388                 | -5.1%             |
| Idaho            | 3,841                 | 3,771                 | -1.8%             |
| Montana          | 1,365                 | 1,314                 | -3.7%             |
| Nevada           | 9,063                 | 8,760                 | -3.3%             |
| <sup>1</sup> NMI | 7                     | 3                     | —                 |
| Oregon           | 9,488                 | 9,078                 | -4.3%             |
| E. Wash.         | 4,120                 | 3,928                 | -4.7%             |
| W. Wash.         | 12,739                | 11,129                | -12.6%            |
| Circuit Total    | 135,190               | 128,102               | -5.2%             |

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

Fewer filings reported elsewhere in the circuit included the district courts of the Northern District of California, 9,394 filings, down 11.4 percent; Hawaii, 1,388 filings, down 5.1 percent; Montana, 1,314 filings, down 3.7 percent; Nevada, 8,760 filings, down 3.3 percent; the Eastern District of Washington, 3,928 filings, down 4.7 percent; Guam, 143 filings, down 5.9 percent; and the Northern Mariana Islands, 3 filings, down from 7 in the prior year.

The only increase in filings was in the District of Alaska. New filings were up 6 percent in 2017. It is a greater increase in filings compared to the 1.9 percent increase in 2016.

The majority of bankruptcy cases in 2017 were nonbusiness filings, which amounted to 767,721, or 97.1 percent of all filings nationally. In the Ninth Circuit, nonbusiness filings totaled 123,468 and accounted for 96.4 percent of all new filings in the circuit.

Among new business and nonbusiness bankruptcies combined nationally, 486,542, or 61.5 percent, were Chapter 7 filers. The Ninth Circuit made up 19.6 percent of the nation's Chapter 7 filings, totaling

### Business and Nonbusiness Bankruptcy Cases Commenced, by Chapter of the U.S. Bankruptcy Code, 2016-2017

| <sup>2</sup> Predominant Nature of Debt | 2016    | 2017    | Change 2016-17 |
|-----------------------------------------|---------|---------|----------------|
| Business Filings                        |         |         |                |
| Chapter 7                               | 3,477   | 3,291   | -5.3%          |
| Chapter 11                              | 930     | 828     | -11.0%         |
| Chapter 12                              | 46      | 71      | 54.3%          |
| Chapter 13                              | 489     | 434     | -11.2%         |
| Nonbusiness Filings                     |         |         |                |
| Chapter 7                               | 97,166  | 91,992  | -5.3%          |
| Chapter 11                              | 488     | 450     | -7.8%          |
| Chapter 13                              | 32,585  | 31,026  | -4.8%          |
| Total                                   | 135,181 | 128,092 | -5.2%          |
| Terminations                            | 162,035 | 147,895 | -8.7%          |
| <sup>1</sup> Pending Cases              | 148,326 | 128,530 | -13.3%         |

<sup>1</sup>2016 pending cases revised

<sup>2</sup>The nature of debt is business if the debtor is a corporation or partnership, or if debt related to the operation of a business predominates. Nonbusiness debt includes consumer debt or other debt that the debtor indicates is not consumer debt or business debt. These figures include the following cases not reflected elsewhere.

#### Fiscal Year 2016

Central Calif. (Chapter 15=1)  
 Eastern Calif. (Chapter 9=1)  
 Nevada (Chapter 15=5)  
 Oregon (Chapter 15=1)  
 Western Washington (Chapter 15=1)

#### Fiscal Year 2017

Central Cal. (Chapter 15=1)  
 Eastern Cal. (Chapter 9=1)  
 Northern Cal. (Chapter 9=1; Chapter 15=3)  
 Nevada (Chapter 15=2)  
 Eastern Wash. (Chapter 9=1)  
 Western Wash. (Chapter 15=1)

95,283 cases. Chapter 7 filings accounted for 74.4 percent of all new bankruptcy filings in the circuit.

Chapter 13 filings numbered 296,599 nationally, or 37.5 percent. In the Ninth Circuit, Chapter 13 filings numbered 31,460, or 24.6 of the circuit total. Combined Chapter 7 and Chapter 13 filings totaled 126,743, or 98.9 percent of all filings in the circuit. Chapter 11 and Chapter 12 filings made up the remainder.

### Terminations, Pending Cases

In 2017, bankruptcy courts in the Ninth Circuit terminated 147,895 cases, or 17.3 percent of total cases terminated nationwide.

The Central District of California terminated 46,240 cases, or 31.3 percent of all cases terminated in the Ninth Circuit. The Eastern District of California followed with 17,971 cases or 12.2 percent; the District of Arizona reported 16,709 cases or 11.3 percent; the Northern District of California, 13,136 cases or 8.9 percent; the Western District of Washington, 12,715 cases or 8.6 percent; the District of Oregon, 10,054 cases or 6.8 percent; the District of Nevada, 9,867 cases or 6.7 percent; and the Southern District of California, 9,468 cases or 6.4 percent. The districts of Alaska, Eastern Washington, Hawaii, Idaho, Montana, Guam and Northern Mariana Islands made up the remaining 11,735 terminated cases, or 7.9 percent.

All 13 bankruptcy courts had a decrease in pending cases in 2017. Pending cases before the bankruptcy courts of the Ninth Circuit numbered 128,530 cases, or 12 percent of total pending cases nationwide. Bankruptcy courts in the circuit reported a 13.3 percent decline in pending cases from the prior year.

The Central District of California reported an 18.4 percent decrease of its pending cases, which numbered 30,607 in 2017. The Northern District of California saw its pending caseload decline by 17.9 percent to 17,127 pending cases; the Southern

District of California, 6,927, down 15.5 percent; the Eastern District of California, 13,593, down 15.2 percent; the Western District of Washington, 12,958, down 10.9 percent; District of Nevada, 7,961, down 12.2 percent; the District of Oregon, 9,669, down 9.2 percent; and the District of Arizona, 18,473, down 5.3 percent. The districts of Alaska, Hawaii, Idaho, Montana, Guam, and Northern Mariana Islands also reported decreases in pending cases.

### **Pro Se Bankruptcy Filings**

Pro se bankruptcy filers are parties not represented by legal counsel. Pro se filers often do not understand the law and legal procedures, which results in frequent dismissals of their filings. They also generally require more court staff time to process.

Bankruptcy filings by pro se debtors remain high in the Ninth Circuit. In FY 2017, filings by pro se debtors numbered 19,839 cases, or 15.5 percent of the total bankruptcy filings in the circuit. The Ninth Circuit accounted for 29.1 percent of pro se bankruptcy filings nationwide.

The Central District of California had the highest rate of pro se filings, numbering 8,499, or 21.6 percent of total bankruptcy filings in the circuit; the District of Arizona, 2,984, or 19 percent; and the Northern District of California, 1,546, or 16.5 percent. The Central District of California had the most pro se filers nationally. The District of Arizona and the Northern District of California ranked seventh and ninth nationally in pro se filers.

### **Appointments, Transitions**

In 2017, the U.S. Court of Appeals for the Ninth Circuit appointed three bankruptcy judges and reappointed one bankruptcy judge. The newcomers are Bankruptcy Judges David Walter Hercher in the District of Oregon, Mary Jo Heston in the Western District of Washington, and Benjamin P. Hursh in the District of Montana. The reappointed bankruptcy judge was Maureen A. Tighe in the Central District of California.

Appointed to the Bankruptcy Appellate Panel in 2017 was Chief Bankruptcy Judge Gary A. Spraker of the United States Bankruptcy Court for the District of Alaska.

Ninth Circuit bankruptcy courts also rely on recalled bankruptcy judges who are appointed on a temporary basis with the approval of the Judicial Council of the Ninth Circuit. Eleven recalled bankruptcy judges served in 2017. 🔑0

# Bankruptcy Appellate Panel Reduces Pro Se Caseload

The Ninth Circuit Bankruptcy Appellate Panel continued to experience a large pro se caseload in fiscal year 2017. Pro se parties accounted for 48 percent of new appeals received during the year. The pro se portion of the panel's caseload was reduced from 54 percent at the beginning of the year to 42 percent at year's end.

## BAP Authority, Organization

The Ninth Circuit Bankruptcy Appellate Panel, or BAP, operates under the authority of the Judicial Council of the Ninth Circuit. It is designated to hear appeals of decisions made by bankruptcy courts of the circuit. 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.

The BAP is authorized seven bankruptcy judges, who serve seven-year terms and may be reappointed to an additional three-year term. Beginning in 2003, one seat was left vacant intentionally due to reduced workload. Despite fluctuating filings since then, the BAP continues to operate with six judges in an effort to keep costs low. In their appellate capacity, BAP judges are precluded from hearing matters arising from their own districts.

## Filings and Dispositions

In fiscal year 2017, new bankruptcy appeals numbered 733, down 3 percent from the prior fiscal year. The BAP handled 48 percent of all bankruptcy appeals, and the district courts handled 52 percent.

The BAP disposed of 453 appeals in fiscal year 2017, an increase of 2 percent from FY 2016. Of those, 166 were terminated on the merits. Oral argument was held in 128 appeals, and 38 appeals were submitted on briefs. Of the 166 merits decisions, 17 were published opinions. The reversal rate was 3.6 percent. The median time for an appeal decided on the merits was 10.2 months.

Of the remaining 287 closed cases, 6 were terminated by consolidation and 71 were transferred to the district courts after appellee elections or in the interest of justice. The remaining 210 closed appeals were terminated on procedural grounds, such as lack of prosecution, lack of jurisdiction, or voluntary dismissal. The BAP had 185 appeals pending at the end of FY 2017, down 13 percent compared to the end of the prior fiscal year.

## Appeals to the Ninth Circuit

Appeals from bankruptcy decisions of either the BAP or a district court may be filed with the court of appeals for second-level appellate review. In fiscal year 2017, 213 second-level appeals were filed. Of

## Ninth Circuit Bankruptcy Appeal Filings, 2015-2017

| Year    | Bankruptcy Appeals Total | Raw Bankruptcy Appeals Received by BAP <sup>1</sup> | Net Bankruptcy Appeals BAP <sup>2</sup> | Net Bankruptcy Appeals District Court <sup>3</sup> | Election Rate <sup>4</sup> | Percentage of Appeals Heard by BAP |
|---------|--------------------------|-----------------------------------------------------|-----------------------------------------|----------------------------------------------------|----------------------------|------------------------------------|
| FY 2015 | 782                      | 460                                                 | 349                                     | 433                                                | 55%                        | 45%                                |
| FY 2016 | 754                      | 429                                                 | 349                                     | 405                                                | 54%                        | 46%                                |
| FY 2017 | 733                      | 425                                                 | 354                                     | 379                                                | 52%                        | 48%                                |

<sup>1</sup>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.)

<sup>2</sup>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.

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

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

## New Bankruptcy Appeal Filings, 2017

| District  | Bankruptcy Appellate Panel | District Court <sup>1</sup> | Total |
|-----------|----------------------------|-----------------------------|-------|
| Alaska    | 2                          | 3                           | 5     |
| Arizona   | 48                         | 23                          | 71    |
| C. Calif. | 154                        | 151                         | 305   |
| E. Calif. | 24                         | 19                          | 43    |
| N. Calif. | 44                         | 68                          | 112   |
| S. Calif. | 17                         | 37                          | 54    |
| Hawaii    | 7                          | 27                          | 34    |
| Idaho     | 1                          | 8                           | 9     |
| Montana   | 2                          | 3                           | 5     |
| Nevada    | 31                         | 16                          | 47    |
| Oregon    | 4                          | 2                           | 6     |
| E. Wash.  | 5                          | 1                           | 6     |
| W. Wash.  | 15                         | 21                          | 36    |
| Total     | 354 (48%)                  | 379 (52%)                   | 733   |

<sup>1</sup>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. The numbers for bankruptcy appeals to the BAP are calculated based on data from AOUSC tables and on data from the BAP's CM/ECF docketing system. The district court numbers include all appeals in which a timely election was made to have the appeal heard in the district court (both appellant and appellee elections) as well as other cases transferred in the interest of justice. The BAP numbers exclude all such appeals.

those, 97 were appeals from decisions by the BAP and 116 were from decisions by district courts. Thus, of the 453 appeals that were disposed of by the BAP, roughly 79 percent were fully resolved, with only 21 percent seeking second-level review.

### New Members and Chief Judge

In November 2016, Bankruptcy Judge Ralph B. Kirscher of the District of Montana completed a six-year, eight-month term on the BAP. Bankruptcy Judge Julia W. Brand of the Central District of California was appointed to a seven-year term on the BAP, succeeding Judge Kirscher.

In July 2017, Bankruptcy Judge Meredith A. Jury of the Central District of California completed a 10-year term on the BAP, which included service as the chief judge since 2016. Chief Bankruptcy Judge Gary A. Spraker of the District of Alaska was appointed to a seven-year term on the BAP, succeeding Judge Jury. In August 2017, Bankruptcy Judge Frank L. Kurtz of the Eastern District of Washington was appointed chief judge of the BAP.

### Use of Pro Tem Judges

The BAP continued to use bankruptcy judges from throughout the Ninth Circuit on a pro tem basis. In fiscal year 2017, the BAP used eight pro tem appointments to assist with oral arguments and merits decisions and to provide new bankruptcy judges with the opportunity to sit in an appellate capacity.

### BAP Outreach

The BAP continued its efforts to reach out to future and current bankruptcy attorneys throughout the Ninth Circuit in 2017. The BAP held oral arguments at the University of San Diego School of Law in January and at Gonzaga University School of Law in September. Also in September, in conjunction with oral arguments in Seattle, BAP judges participated in a continuing legal education luncheon with members of the Washington bankruptcy bar.

### Historic Sitting

The Ninth Circuit Bankruptcy Appellate Panel made history on March 23, 2017, with its first all-women panel. Bankruptcy Judge Meredith A. Jury of the Central District of California presided over the historic sitting in Sacramento. Joining her on the bench were Bankruptcy Judges Laura S. Taylor of the Southern District of California and Julia W. Brand, also from the Central District of California. 

## Magistrate Judges See Increases in Criminal, Civil Duties

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

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

In FY 2017, 105 full-time magistrate judges, nine part-time magistrate judges, one magistrate judge/clerk of court, and 22 recalled magistrate judges served the 15 district courts of the circuit. They disposed of 227,386 civil and criminal matters, up 3.9 percent from fiscal year 2016.

The largest category of matters presided over by magistrate judges is preliminary proceedings, which include arraignments, initial appearances, detention hearings, arrest and search warrants, bail reviews, Nebbia hearings, attorney appointment, and material witness hearings. In fiscal year 2017, magistrate judges disposed of 89,139 preliminary proceedings, up 6.1 percent from fiscal year 2016.

Additional duties related to criminal matters increased by 6.6 percent to 40,725 from the prior fiscal year. Among matters included in this category are non-dispositive and dispositive motions, pretrial conferences, probation and supervised release revocation hearings, guilty plea and evidentiary proceedings, motion hearings, reentry/drug court proceedings, writs, and mental competency proceedings. Non-dispositive motions numbered 16,007, up 5.4 percent, while dispositive motions numbered 359, up 6.8 percent from the prior fiscal year.

Additional duties related to civil matters numbered 49,309, up 2.4 percent from FY 2016. The bulk of this category included non-dispositive motions/grants of in forma pauperis, or IFP, status, pretrial conferences and settlement conferences. Non-dispositive motions/grants of IFP status were up 2.6 percent to 36,174. Pretrial conferences totaled 4,080, while settlement conferences numbered 3,162.

Trial jurisdiction, which includes Class A misdemeanor and petty offenses, numbered 23,425, down 5.6 percent from the prior fiscal year. Petty offenses totaled 21,713, while Class A misdemeanor offenses were down 22.4 percent to 1,712.

Civil consent cases in which a magistrate judge presides at the consent of parties decreased slightly by 0.9 percent to 4,921. The great majority of cases were disposed of without trial.

Prisoner petitions numbered 5,964 cases, up 3.9 percent from FY 2016. The bulk of this work involves state habeas petitions, which numbered 2,251, down 7.4 percent, and civil rights petitions, which numbered 3,335 cases, up 11.8 percent.

### New Magistrate Judges and Governance

Five new full-time magistrate judges were appointed in 2017. They were Judges John D. Early and Hemant H. (Shashi) Kewalramani in the Central District of California; Susan van Keulen and Robert M. Illman in the Northern District of California; and Theresa L. Fricke in the Western District of Washington.

Magistrate Judge Candy W. Dale of the United States District Court for the District of Idaho was appointed to the Judicial Conference of the United States as the magistrate judge observer. Chief Justice John G. Roberts, Jr., appointed her to a two-year term that commenced October 1, 2017.

## Matters Disposed of by Ninth Circuit Magistrate Judges, 2016-2017

| Activity                                                      | 2016    | 2017    | Percent Change<br>2016-17 |
|---------------------------------------------------------------|---------|---------|---------------------------|
| Total Matters                                                 | 218,909 | 227,386 | 3.9%                      |
| Felony Preliminary Proceedings                                | 84,009  | 89,139  | 6.1%                      |
| Search Warrants                                               | 16,205  | 17,733  | 9.4%                      |
| Arrest Warrants                                               | 7,212   | 8,330   | 15.5%                     |
| Summonses                                                     | 1,219   | 1,474   | 20.9%                     |
| Initial Appearances                                           | 20,339  | 21,434  | 5.4%                      |
| Preliminary Hearings                                          | 7,181   | 6,894   | -4.0%                     |
| Arraignments                                                  | 13,382  | 13,980  | 4.5%                      |
| Detention Hearings                                            | 12,930  | 13,111  | 1.4%                      |
| Bail Reviews/Forfeitures/Nebbia Hearings                      | 1,701   | 1,903   | 11.9%                     |
| <sup>1</sup> Other                                            | 3,840   | 4,280   | 11.5%                     |
| Trial Jurisdiction Defendants                                 | 24,807  | 23,425  | -5.6%                     |
| Class A Misdemeanor                                           | 2,205   | 1,712   | -22.4%                    |
| Petty Offense                                                 | 22,602  | 21,713  | -3.9%                     |
| Civil Consent Cases                                           | 4,967   | 4,921   | -0.9%                     |
| Without Trial                                                 | 4,901   | 4,856   | -0.9%                     |
| Jury Trial                                                    | 53      | 47      | -11.3%                    |
| Bench Trial                                                   | 13      | 18      | 38.5%                     |
| Additional Duties                                             |         |         |                           |
| Criminal                                                      | 38,218  | 40,725  | 6.6%                      |
| Non-Dispositive Motions                                       | 15,181  | 16,007  | 5.4%                      |
| Dispositive Motions                                           | 336     | 359     | 6.8%                      |
| Evidentiary Proceedings                                       | 141     | 143     | 1.4%                      |
| Pretrial Conferences                                          | 9,687   | 9,566   | -1.2%                     |
| Probation and Supervised Release<br>Revocation Hearings       | 1,696   | 1,867   | 10.1%                     |
| Guilty Plea Proceedings                                       | 7,608   | 8,108   | 6.6%                      |
| <sup>2</sup> Other                                            | 3,569   | 4,675   | 31.0%                     |
| Civil                                                         | 48,132  | 49,309  | 2.4%                      |
| Settlement Conferences/Mediations                             | 3,133   | 3,162   | 0.9%                      |
| Other Pretrial Conferences                                    | 3,941   | 4,080   | 3.5%                      |
| <sup>3</sup> Non-Dispositive Motions/<br>Grants of IFP Status | 35,257  | 36,174  | 2.6%                      |
| Other Civil Dispositive Motions                               | 2,474   | 2,474   | 0.0%                      |
| Evidentiary Proceedings                                       | 127     | 127     | 0.0%                      |
| Social Security Appeals                                       | 559     | 520     | -7.0%                     |
| Special Master References                                     | 0       | 0       | -                         |
| <sup>4</sup> Other                                            | 2,641   | 2,772   | 5.0%                      |
| Prisoner Petitions                                            | 5,740   | 5,964   | 3.9%                      |
| State Habeas                                                  | 2,432   | 2,251   | -7.4%                     |
| Federal Habeas                                                | 291     | 354     | 21.6%                     |
| Civil Rights                                                  | 2,982   | 3,335   | 11.8%                     |
| Evidentiary Proceedings                                       | 35      | 24      | -31.4%                    |
| Miscellaneous Matters                                         | 13,036  | 13,903  | 6.7%                      |

<sup>1</sup>Includes attorney appointment hearings and material witness hearings.

<sup>2</sup>Includes mental competency proceedings, motion hearings, reentry/drug court proceedings and writs.

<sup>3</sup>In 2013, magistrate judge workload statistics were produced using a new software program that recalculated the statistics for 2013 and for previous years. In some categories, the statistics provided in the report differ from the ones displayed in those categories in previous reports. Non-dispositive motions/grants of IFP status category includes prisoner cases, social security cases and other civil cases.

<sup>4</sup>Includes summary jury/other ADR/early neutral evaluations, motion hearings and fee applications.



*The magistrate judges education program organizers and speakers included, from left, Professor James T.R. Jones of the University of Louisville, Brandeis School of Law; Dr. Victoria Stanton, M.D., chief medical officer, Momentum; Senior District Judge Jeremy D. Fogel of the Northern District of California, director of the Federal Judicial Center; Peter F. Luongo, Ph.D., executive director of the Institute for Research, Education and Training in Addictions; Reverend Cindy McCalmont, director of Peer Support Programs, National Alliance on Mental Illness in Santa Clara County; and Magistrate Judge Nancy J. Koppe of the District of Nevada.*



## Educational Program

The Magistrate Judges Education Committee, chaired by Magistrate Judge Nancy J. Koppe of the District of Nevada, organized a supplemental program for the bench and bar attending the 2017 Ninth Circuit Judicial Conference. The program, entitled "Understanding and Managing Mental Health Issues in Federal Court," featured a panel presentation on how to properly administer justice in cases involving litigants with mental health problems. Discussed were issues that may arise so judges are better prepared with tools, knowledge and awareness to manage these cases.

Panel members included Professor James T.R. Jones of University of Louisville, Brandeis School of Law; Dr. Peter F. Luongo, executive director of Institute for Research Education and Training in Addictions; Reverend Cindy McCalmont, director of Peer Support Programs, National Alliance on Mental Illness in Santa Clara County; and Dr. Victoria Stanton, chief medical officer of Momentum. Senior District Judge Jeremy D. Fogel of the Northern District of California and director of the Federal Judicial Center moderated the panel. 🔑

## Federal Public Defenders Circuit Wide See Downturn in New Cases

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

Federal public defender offices are staffed by federal judiciary employees while community defender organizations are non-profit defense counsel organizations staffed by non-government employees. Both types of defender offices are

16 percent from the prior fiscal year. Every district reported fewer new cases. The Eastern District of California, where 1,308 new cases were opened compared to 1,995 the prior fiscal year, reported a 34.4 percent decline, the steepest drop percentage-wise. The Northern District of California had the largest numerical decline, down to 2,083 from 3,078 in the prior fiscal year. With 995 fewer cases, the Northern District decline was 32.3 percent from the prior year.

The federal public defender office in the Southern District of California reported an 8.3 percent drop with 6,489 new cases in 2017 compared to 7,079 from fiscal year 2016. Also reporting large declines in caseload were the District of Nevada, 1,032, down 31.3 percent; the Eastern District of Washington, 1,058, down 27.6 percent; the District of Oregon, 1,589, down 26.1 percent; and the Western District of Washington, 1,418, down 23.4 percent.

### Ninth Circuit Federal Defender Organizations: Cases Opened, Closed and Pending, 2013-2017

| Cases   | 2013   | 2014   | 2015   | 2016   | 2017   | Change 2016-17 |
|---------|--------|--------|--------|--------|--------|----------------|
| Opened  | 32,539 | 28,055 | 27,465 | 31,807 | 26,727 | -16.0%         |
| Closed  | 33,192 | 28,951 | 24,720 | 28,092 | 28,689 | 2.1%           |
| Pending | 10,120 | 9,076  | 11,766 | 15,477 | 13,398 | -13.4%         |

staffed with experienced federal criminal law practitioners who provide a consistently high level of representation. Federal public defender representations include criminal defense and appeals, court-directed prisoner and witness representations, bail/pre-sentencing, supervised release, and probation and parole revocation hearings.

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

Federal public defenders in the Ninth Circuit opened 26,727 new cases in fiscal year 2017, down

Federal public defenders in the Ninth Circuit closed 28,689 cases, up 2.1 percent from the prior fiscal year, while pending caseloads decreased by 13.4 percent to 13,398 cases. The FPD office in the District of Arizona led the way numerically with 5,894 terminations, up 12.3 percent. The Southern District of California followed with 5,684 terminated cases.

The Ninth Circuit's increase of closed cases is attributable to two districts reporting high percentages of terminations. The Central District of California reported the biggest percentage-wise increase in terminations with 50 percent, up to 4,661 closed cases from 3,107 terminations in 2016, while the District of Oregon followed with 2,111 terminations, up 49.2 percent. More cases were also closed in the District of Nevada, which reported 1,352 terminations, up 27.1 percent; the Northern District of California, 2,867

terminations, up 15.7 percent; and the District of Arizona, up 12.3 percent to 5,894 terminations.

Nine districts reported fewer closed cases in 2017. The Eastern District of California reported 1,364 closed cases, down 35.3 percent. Fewer closed cases also were reported in the Eastern District of Washington, 1,156, down 22 percent; the Southern District of California, down 17.6 percent to 5,684; the Western District of Washington, 1,558, down 10.2 percent; Hawaii, 443, down 29.5 percent; the District of Idaho, 346, down 20.6 percent; the District of Montana, 794, down 19.9 percent; the District of Alaska, 296, down 9.8 percent; and

District of Guam, 163, down 6.9 percent.

In fiscal year 2017, federal defenders nationally opened 112,661 cases, down 30.3 percent, and closed 127,414 cases, down 14.4 percent. The defender offices finished the fiscal year with a combined pending caseload of 58,445 cases, down 20.5 percent from the prior fiscal year.

### Reappointment

The Ninth Circuit Court of Appeals reappointed one federal public defender in 2017. Heather Williams of the Eastern District of California began serving a new four-year term on May 6, 2017. 🔑

## Federal Defender Organizations: Summary of Representations by District, 2016-2017

| District                                   | Opened<br>2016 | Opened<br>2017 | Change<br>2016-17 | Closed<br>2016 | Closed<br>2017 | Change<br>2016-17 | Pending<br>2017 |
|--------------------------------------------|----------------|----------------|-------------------|----------------|----------------|-------------------|-----------------|
| Alaska                                     | 413            | 369            | -10.7%            | 328            | 296            | -9.8%             | 397             |
| Arizona                                    | 5,773          | 5,746          | -0.5%             | 5,248          | 5,894          | 12.3%             | 1,654           |
| C. Calif.                                  | 4,506          | 4,039          | -10.4%            | 3,107          | 4,661          | 50.0%             | 3,240           |
| E. Calif.                                  | 1,995          | 1,308          | -34.4%            | 2,109          | 1,364          | -35.3%            | 640             |
| N. Calif.                                  | 3,078          | 2,083          | -32.3%            | 2,479          | 2,867          | 15.7%             | 615             |
| <sup>1</sup> S. Calif.                     | 7,079          | 6,489          | -8.3%             | 6,895          | 5,684          | -17.6%            | 3,034           |
| Guam                                       | 156            | 133            | -14.7%            | 175            | 163            | -6.9%             | 56              |
| Hawaii                                     | 439            | 332            | -24.4%            | 628            | 443            | -29.5%            | 134             |
| <sup>1</sup> Idaho                         | 379            | 349            | -7.9%             | 436            | 346            | -20.6%            | 222             |
| <sup>1</sup> Montana                       | 1,024          | 782            | -23.6%            | 991            | 794            | -19.9%            | 284             |
| Nevada                                     | 1,502          | 1,032          | -31.3%            | 1,064          | 1,352          | 27.1%             | 993             |
| Oregon                                     | 2,151          | 1,589          | -26.1%            | 1,415          | 2,111          | 49.2%             | 1,266           |
| <sup>1</sup> E. Wash.                      | 1,461          | 1,058          | -27.6%            | 1,482          | 1,156          | -22.0%            | 399             |
| W. Wash.                                   | 1,851          | 1,418          | -23.4%            | 1,735          | 1,558          | -10.2%            | 464             |
| Circuit Total                              | 31,807         | 26,727         | -16.0%            | 28,092         | 28,689         | 2.1%              | 13,398          |
| National Total                             | 161,540        | 112,661        | -30.3%            | 148,794        | 127,414        | -14.4%            | 58,445          |
| Circuit Total as<br>% of National<br>Total | 19.7%          | 23.7%          | 4.0%              | 18.9%          | 22.5%          | 3.6%              | 22.9%           |

<sup>1</sup>Community Defender Organizations

Note: Eastern Washington and Idaho are combined into one organization, and Northern Mariana Islands is not served by a defender organization. Other representations include court-directed prisoner, bail/presentment, witness, probation revocation and parole revocation representations.

## Ninth Circuit Probation Offices See Increase in Revocations

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

### Presentence Reports

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

Standard guideline presentence reports are generally prepared in felony and Class A misdemeanor cases for which the U.S. Sentencing Commission has promulgated guidelines. In the Ninth Circuit, probation officers prepared 11,538 presentence

### Ninth Circuit Federal Probation System: Persons Under Post-Conviction Supervision, 2016-2017

| Persons Under Supervision      | 2016   | 2017   | Change 2016-17 |
|--------------------------------|--------|--------|----------------|
| <sup>1</sup> From Courts       | 3,198  | 3,144  | -1.7%          |
| <sup>2</sup> From Institutions | 19,884 | 19,617 | -1.3%          |
| Total                          | 23,082 | 22,761 | -1.4%          |

<sup>1</sup>Includes conditional release, probation, and the former categories known as judge probation and magistrate judge probation.

<sup>2</sup>Includes parole, special parole, mandatory release and military parole.

### Ninth Circuit Federal Probation System: Persons Under Post-Conviction Supervision by District, 2016-2017

| District      | From Courts            | Referred by Institutions |                     |                          | Persons Under Supervision, 2016 | Persons Under Supervision, 2017 | Change 2016-17 |
|---------------|------------------------|--------------------------|---------------------|--------------------------|---------------------------------|---------------------------------|----------------|
|               | <sup>1</sup> Probation | Supervised Release       | <sup>2</sup> Parole | <sup>3</sup> BOP Custody |                                 |                                 |                |
| Alaska        | 68                     | 277                      | 3                   | 1                        | 384                             | 349                             | -9.1%          |
| Arizona       | 722                    | 3,072                    | 9                   | 2                        | 3,882                           | 3,805                           | -2.0%          |
| C. Calif.     | 698                    | 4,668                    | 25                  | 0                        | 5,490                           | 5,391                           | -1.8%          |
| E. Calif.     | 185                    | 1,792                    | 11                  | 0                        | 1,904                           | 1,988                           | 4.4%           |
| N. Calif.     | 331                    | 1,656                    | 10                  | 0                        | 1,989                           | 1,997                           | 0.4%           |
| S. Calif.     | 257                    | 2,657                    | 19                  | 0                        | 2,855                           | 2,933                           | 2.7%           |
| Guam          | 56                     | 121                      | 2                   | 4                        | 179                             | 183                             | 2.2%           |
| Hawaii        | 70                     | 574                      | 5                   | 2                        | 750                             | 651                             | -13.2%         |
| Idaho         | 81                     | 477                      | 6                   | 3                        | 568                             | 567                             | -0.2%          |
| Montana       | 111                    | 750                      | 2                   | 7                        | 895                             | 870                             | -2.8%          |
| Nevada        | 152                    | 950                      | 8                   | 0                        | 1,138                           | 1,110                           | -2.5%          |
| NMI           | 7                      | 26                       | 0                   | 0                        | 37                              | 33                              | -10.8%         |
| Oregon        | 223                    | 898                      | 14                  | 2                        | 1,197                           | 1,137                           | -5.0%          |
| E. Wash.      | 68                     | 554                      | 4                   | 2                        | 653                             | 628                             | -3.8%          |
| W. Wash.      | 115                    | 987                      | 17                  | 0                        | 1,161                           | 1,119                           | -3.6%          |
| Circuit Total | 3,144                  | 19,459                   | 135                 | 23                       | 23,082                          | 22,761                          | -1.4%          |

<sup>1</sup>Includes conditional release, probation, and the former categories known as judge probation and magistrate judge probation.

<sup>2</sup>Includes parole, special parole, mandatory release, and military parole.

<sup>3</sup>BOP (Bureau of Prisons)

guideline reports in FY 2017, up approximately 3.5 percent from the prior fiscal year. The circuit accounted for 19.3 percent of the national total of 59,644 submitted presentence guideline reports.

### **Post-Conviction Supervision of Offenders**

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

Probation officers in the Ninth Circuit supervised 22,761 persons in FY 2017, down 1.4 percent from the prior fiscal year. The circuit accounted for 16.9 percent of the national total of 134,731 persons under supervision at the conclusion of FY 2017.

Among those under supervision, 3,144 were on probation, 19,459 were on supervised release, 135 persons were on parole, and 23 individuals adhered to the Bureau of Prisons custody standards.

Offenders with convictions for drugs, property, firearms and weapons, sex and violent offenses are the largest group of persons under supervision in the Ninth Circuit. These offenders numbered 20,460, accounting for 90 percent of persons under supervision in the Ninth Circuit.

### **Revocations and Early Terminations**

Ninth Circuit cases that were revoked and closed after post-conviction supervision numbered 3,507, up 8.1 percent from FY 2016. Of these revocations, 194 were from probation sentences, 3,303 were

from supervised release terms, and 10 were from parole cases. The Ninth Circuit accounted for 20.8 percent of the 16,857 cases revoked nationally. The national revocation rate for FY 2017 was 27.9 percent, a 1.9 percent increase from FY 2016. The Ninth Circuit's revocation rate was 30.6 percent, a 2.6 percent increase from the previous fiscal year.

Since 2002, the Judicial Conference of the United States Committee on Criminal Law has encouraged officers to identify offenders who qualify for early termination. When conditions of supervision have been met, and the offender does not pose a foreseeable risk to the public or an individual, the probation officer may request the sentencing judge to consider early termination. For FY 2017, there were 1,434 cases terminated early in the Ninth Circuit, accounting for a savings of over \$8 million, or an average savings of \$5,500 per client. On the national level, 7,558 cases were terminated early, accounting for a savings of over \$45 million, or an average savings of \$5,900 per client.

### **Evidence-Based Practices**

United States probation officers aim to reduce recidivism by utilizing "evidence-based practices" to make informed decisions about the supervision of risks offenders may pose. The process known as Post-Conviction Risk Assessment, or PCRA, was undertaken to improve post-conviction supervision. PCRA helped direct allocation of resources, attention and services to the highest risk offenders. It was the risk assessment tool that has been in place since roughly 2001.

In June of 2017, United States Probation implemented PCRA 2.0, which uses the Violence Assessment as part of the risk tool. The Violence Assessment is an objective, quantifiable instrument that provides a consistent and valid method of predicting risk of committing a violent offense. Research identified ten static factors that do not change over time and four scales (power orientation, entitlement, denial of harm and self-

assertion/deception) from the PCRA 2.0 self-assessment that are strongly correlated with future violence. The assessment of these factors can provide direction for supervision strategies and intervention strategies to help mitigate risk for those on community supervision.

United States Probation Offices in many districts also utilize additional risk tools in the supervision of sex offenders. The Static 99R, Stable 2007 and Acute 2007 are validated risk tools that can help predict the likelihood of sexual recidivism. The Stable and Acute identify and measure dynamic risk factors. These factors are assessed throughout community supervision and provide further direction for supervision and intervention strategies for U.S. probation officers and treatment providers.

Along with this assessment tools, evidence-based practices include the use of low-risk supervision caseloads and reentry programs, which include reentry courts, workforce development activities, and cognitive behavioral therapy programs. Furthermore, to enhance bond and strengthen offender success, techniques such as Motivational Interviewing, or MI, and Strategic Techniques Aimed at Reducing Re-Arrest program, or STARR, have been implemented. These areas focus on skills most helpful to an officer in trying to change offender behavior. The utilization of Second Chance Act funding has allowed districts to connect with much needed services in allowing individuals under supervision in becoming successful. Some examples of funding use include: employment/training programs, financial literacy classes, availability of transitional housing, and more. 

## Number of Defendants Under Pretrial Supervision Holds Steady

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

Pretrial service officers investigate defendants charged with federal crimes, recommend to the court whether to release or detain them, and supervise those who are released to the community while awaiting trial. While the defendant is presumed innocent until proven guilty, pretrial services officers must balance this presumption with the reality that some persons, if not detained before their trial, are likely to flee or to pose a danger to the community.

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

### New Case Activations

In fiscal year 2017, pretrial services offices in the Ninth Circuit reported 28,310 new case activations, down 5.4 percent from 29,914 new case activations in fiscal year 2016. New case activations nationwide totaled 88,255, down 3.1 percent from the prior year. The Ninth Circuit continues to rank first nationally in cases activated, accounting for 32.1 percent of total new cases.

### Pretrial Bail Reports, Supervision

Pretrial services officers in the Ninth Circuit prepared 27,666 written pre-bail reports and 385 post-bail reports over the course of the fiscal year. Bail reports were prepared in 99.1 percent of the cases activated. Officers conducted 9,315 pretrial bail interviews.

Excluding immigration cases, officers made recommendations for initial pretrial release to the courts in 52 percent of cases. Assistant U.S. attorneys in the circuit recommended pretrial release in 42.6 percent of cases in fiscal year 2017.

During FY 2017, defendants who were received for supervision numbered 4,974, down 0.8 percent from 5,015. Of these individuals, 3,645 were received for regular supervision; 1,211 were supervised on a courtesy basis from another district or circuit; and 118 were pretrial diversion caseloads, which include courtesy supervision of diversion cases.

### Detention Summary

In the Ninth Circuit, officers detained 21,979 defendants in FY 2017, the highest in the nation. Excluding immigration cases, 66.7 percent of defendants were detained and never released. Defendants were detained an average of 211 days. The U.S.-Mexico border courts in the districts of Arizona and Southern District of California reported the highest number of defendants detained. The total number of defendants detained in the District of Arizona was 12,785, while defendants detained in the Southern District of California numbered 6,237. The Ninth Circuit accounted for 19.9 percent of total days that defendants were incarcerated nationally.

### Violations

Of the 10,054 cases in release status, cases with violations numbered 1,552. They included 27 violations due to felony re-arrests, 37 violations resulting from misdemeanor re-arrests, 4 for "other" re-arrest violations, and 184 for failure to appear. Technical violations, including positive urine tests for illegal substances, violation of location monitoring conditions, possession of contraband, and failure to report to a supervising pretrial services officer, accounted for the remaining violations.

## Pretrial Services Cases Activated in Ninth Circuit Courts, 2016-2017

| Caseload Measure | 2016   | 2017   | Change 2016-17 |
|------------------|--------|--------|----------------|
| Reports          | 29,563 | 28,051 | -5.1%          |
| Interviews       | 8,966  | 9,315  | 3.9%           |
| Cases Activated  | 29,914 | 28,310 | -5.4%          |

Note: This table excludes data for the District of Columbia and includes transfers received. Total pretrial services cases activated includes complaints, indictment/information, material witness, superseding, and other cases, and includes data reported for previous periods as “transfers received.”

## Pretrial Workload, 2016-2017

| District              | Defendant Contact |                              | Written Reports      |          | No Reports Made | Total Cases Activated 2016 | Total Cases Activated 2017 | Change 2016-17 |
|-----------------------|-------------------|------------------------------|----------------------|----------|-----------------|----------------------------|----------------------------|----------------|
|                       | Interviewed       | <sup>1</sup> Not Interviewed | <sup>2</sup> Prebail | Postbail |                 |                            |                            |                |
| AK                    | 66                | 143                          | 206                  | 0        | 3               | 221                        | 209                        | -5.4%          |
| AZ                    | 1,842             | 12,516                       | 14,277               | 56       | 25              | 17,625                     | 14,358                     | -18.5%         |
| C. Calif.             | 1,246             | 351                          | 1,587                | 5        | 5               | 1,558                      | 1,597                      | 2.5%           |
| E. Calif.             | 366               | 257                          | 613                  | 8        | 2               | 555                        | 623                        | 12.3%          |
| N. Calif.             | 413               | 269                          | 462                  | 213      | 7               | 588                        | 682                        | 16.0%          |
| S. Calif.             | 3,612             | 3,830                        | 7,370                | 33       | 39              | 5,885                      | 7,442                      | 26.5%          |
| GU                    | 60                | 8                            | 68                   | 0        | 0               | 41                         | 68                         | 65.9%          |
| HI                    | 163               | 52                           | 200                  | 6        | 9               | 187                        | 215                        | 15.0%          |
| ID                    | 189               | 158                          | 314                  | 0        | 33              | 336                        | 347                        | 3.3%           |
| MT                    | 158               | 204                          | 337                  | 7        | 18              | 444                        | 362                        | -18.5%         |
| NV                    | 409               | 248                          | 654                  | 1        | 2               | 618                        | 657                        | 6.3%           |
| NMI                   | 20                | 0                            | 19                   | 1        | 0               | 22                         | 20                         | -9.1%          |
| OR                    | 241               | 248                          | 472                  | 5        | 12              | 611                        | 489                        | -20.0%         |
| E. Wash.              | 242               | 165                          | 304                  | 10       | 93              | 394                        | 407                        | 3.3%           |
| W. Wash.              | 288               | 546                          | 783                  | 40       | 11              | 829                        | 834                        | 0.6%           |
| Circuit Total         | 9,315             | 18,995                       | 27,666               | 385      | 259             | 29,914                     | 28,310                     | -5.4%          |
| National Total        | 50,193            | 38,062                       | 82,447               | 2,654    | 3,154           | 91,111                     | 88,255                     | -3.1%          |
| Circuit % of National | 18.6%             | 49.9%                        | 33.6%                | 14.5%    | 8.2%            | 32.8%                      | 32.1%                      | -0.8%          |

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

<sup>1</sup>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.

<sup>2</sup>Includes prebail reports both with recommendations and without, and includes types of reports categorized in previous periods as “other reports.”

### **Evidence-Based Practices for Pretrial Services**

Evidence-based practices are those that have been found through research to enhance overall desired outcomes. The desired outcomes of the pretrial services functions are to reasonably assure that defendants do not pose either a risk of non-appearance or a danger to the community. In order to accomplish this, a proven evidence-based practice in pretrial services is to use a validated risk assessment tool.

Pretrial Services Offices in the Ninth Circuit have incorporated the Pretrial Services Risk Assessment (PTRA) into its business practices. The PTRA is an objective instrument that provides a consistent and valid method of predicting risk of failure to appear, new criminal arrests, and revocations due to technical violations. Pretrial services officers are using this tool to improve their ability to assess risks and make informed recommendations to the court on release or detention. The PTRA has also been used as a tool to assess the level of supervision appropriate for defendants released on pretrial supervision. Defendants with lower PTRA scores are less likely to fail to appear, sustain a new arrest, or commit a new offense while on pretrial release. An evidence-based approach directs resources to be more effectively utilized by focusing on defendants with higher PTRA scores, namely defendants who pose higher risks of non-appearance and/or danger to the community.

Another evidence-based practice being implemented in the Ninth Circuit is Staff Training Aimed at Reducing Re-Arrest, or STARR. Use of STARR communication techniques improve the quality of the interaction between the officer and defendants to effect long-term behavior change. The techniques have cognitive behavioral foundation with the premise that thinking controls

behavior. STARR training has been provided by the Probation and Pretrial Services Office of the Administrative Office of the U.S. Courts. It is an extensive training program requiring ongoing coaching and assessment of officers' use of STARR skills. The districts of Arizona, Central California, Guam, Hawaii, Nevada, Southern California, Western Washington and Eastern Washington have introduced and incorporated STARR at various stages into their business practices.

### **Specialty Courts and Pre-entry Programs**

In FY 2017, several pretrial services offices in the Ninth Circuit continue to be involved in innovative specialty courts. These programs give defendants a chance to have their cases dismissed or sentences reduced upon successful completion of supervision. Programs in the Ninth Circuit include the Alternative to Prison Solution Diversion Program in the Southern District of California; the Conviction and Sentencing Alternatives Program, a presentence and post-conviction diversion program in the Central District of California; the Conviction Alternatives Program (CAP) in the Northern District of California; a pre-adjudication felony program in Western Washington; and the Veterans Court in Arizona, a diversionary and post-sentence program that assists military veterans.

"Pre-entry" programs in the Ninth Circuit are offered to defendants awaiting sentencing. Pretrial Services Offices in the District of Oregon and District of Nevada operate pre-entry programs. These programs are designed to educate defendants and their family members about Bureau of Prisons services and general rules to help reduce the level of stress and anxiety of going to prison. Pre-entry programs help establish a solid foundation for future success and compliment the post-conviction reentry efforts. 

## Juror Utilization, 2016-2017

| District         | Grand Juries<br>Impaneled, 2017 | Petit Juries<br>Selected, 2017 | Petit Juror Utilization Rate<br>Percent Not Selected or Challenged <sup>1</sup> |      |                |
|------------------|---------------------------------|--------------------------------|---------------------------------------------------------------------------------|------|----------------|
|                  |                                 |                                | 2016                                                                            | 2017 | Change 2016-17 |
| Alaska           | 2                               | 11                             | 45.7                                                                            | 32.6 | -13.1          |
| Arizona          | 14                              | 96                             | 27.9                                                                            | 28.4 | 0.5            |
| C. Calif.        | 29                              | 162                            | 52.0                                                                            | 45.2 | -6.8           |
| E. Calif.        | 8                               | 58                             | 37.4                                                                            | 36.5 | -0.9           |
| N. Calif.        | 8                               | 61                             | 50.6                                                                            | 39.3 | -11.3          |
| S. Calif.        | 8                               | 91                             | 44.3                                                                            | 42.1 | -2.2           |
| Guam             | 2                               | 5                              | 55.0                                                                            | 63.5 | 8.5            |
| Hawaii           | 2                               | 9                              | 37.5                                                                            | 48.1 | 10.6           |
| Idaho            | 6                               | 10                             | 24.2                                                                            | 18.8 | -5.4           |
| Montana          | 6                               | 22                             | 39.8                                                                            | 26.1 | -13.7          |
| Nevada           | 5                               | 43                             | 30.5                                                                            | 33.2 | 2.7            |
| NMI              | 1                               | 1                              | 20.1                                                                            | 0.0  | -20.1          |
| Oregon           | 12                              | 27                             | 21.9                                                                            | 22.7 | 0.8            |
| E. Wash.         | 5                               | 12                             | 45.5                                                                            | 40.2 | -5.3           |
| W. Wash.         | 4                               | 33                             | 37.8                                                                            | 36.1 | -1.7           |
| Circuit Total    | 112                             | 641                            | –                                                                               | –    | –              |
| Circuit Average  | 7.5                             | 42.7                           | 38.0                                                                            | 34.2 | -3.8           |
| National Total   | 755                             | 3,708                          | –                                                                               | –    | –              |
| National Average | 8.0                             | 39.4                           | 38.0                                                                            | 37.5 | -0.5           |

Note: This table includes data on jury selection days only. Data on juror service after the selection day are not included. Due to rounding, percents may not total 100.0 percent.

<sup>1</sup>Includes jurors who completed pre-screening questionnaires or were in the courtroom during the conducting of voir dire but were not selected or challenged. Includes other jurors not selected or challenged who were not called to the courtroom or otherwise did not participate in the actual voir dire.

## Interpreter Usage by District Courts, 2017

| Language                       | AK | AZ     | CAC   | CAE   | CAN | CAS    | GU | HI | ID  | MT | NV  | NMI | OR  | WAE | WAW | 2016<br>Total | 2017<br>Total | Change<br>2016-17 |
|--------------------------------|----|--------|-------|-------|-----|--------|----|----|-----|----|-----|-----|-----|-----|-----|---------------|---------------|-------------------|
| Arabic                         | 0  | 25     | 9     | 7     | 1   | 16     | 0  | 0  | 0   | 0  | 0   | 0   | 1   | 0   | 1   | 48            | 60            | 25.0%             |
| Armenian                       | 0  | 0      | 43    | 60    | 0   | 0      | 0  | 0  | 0   | 0  | 3   | 0   | 0   | 0   | 0   | 137           | 106           | -22.6%            |
| Cantonese                      | 4  | 1      | 33    | 21    | 47  | 7      | 0  | 5  | 0   | 0  | 0   | 0   | 2   | 0   | 16  | 287           | 136           | -52.6%            |
| Farsi                          | 0  | 0      | 10    | 1     | 0   | 5      | 0  | 0  | 0   | 0  | 1   | 0   | 0   | 0   | 0   | 23            | 17            | -26.1%            |
| Japanese                       | 0  | 0      | 0     | 0     | 5   | 0      | 0  | 2  | 0   | 0  | 0   | 0   | 0   | 0   | 0   | 3             | 7             | 133.3%            |
| Korean                         | 3  | 0      | 68    | 3     | 3   | 4      | 12 | 11 | 0   | 0  | 6   | 0   | 3   | 0   | 3   | 145           | 116           | -20.0%            |
| Mandarin                       | 0  | 9      | 107   | 78    | 69  | 135    | 10 | 12 | 0   | 0  | 18  | 0   | 0   | 0   | 17  | 260           | 455           | 75.0%             |
| Navajo<br>(Certified)          | 0  | 0      | 0     | 0     | 0   | 0      | 0  | 0  | 0   | 0  | 0   | 0   | 0   | 0   | 0   | 4             | 0             | -100.0%           |
| Navajo<br>(Non-<br>Certified)  | 0  | 34     | 0     | 0     | 0   | 0      | 0  | 0  | 0   | 0  | 0   | 0   | 0   | 0   | 0   | 43            | 34            | -20.9%            |
| Russian                        | 0  | 1      | 24    | 25    | 21  | 4      | 0  | 0  | 0   | 0  | 6   | 0   | 0   | 1   | 7   | 208           | 89            | -57.2%            |
| Sign<br>(American)             | 0  | 1      | 35    | 23    | 3   | 7      | 0  | 0  | 1   | 0  | 1   | 0   | 13  | 1   | 1   | 65            | 86            | 32.3%             |
| Sign<br>(Mexican)              | 0  | 0      | 0     | 0     | 0   | 0      | 0  | 0  | 0   | 0  | 0   | 0   | 0   | 0   | 0   | 0             | 0             | —                 |
| Spanish Staff                  | 0  | 38,433 | 959   | 798   | 198 | 15,586 | 0  | 0  | 0   | 0  | 337 | 0   | 261 | 0   | 0   | 58,668        | 56,572        | -3.6%             |
| Spanish<br>(Certified)         | 24 | 4,485  | 1,173 | 693   | 549 | 1,183  | 0  | 6  | 264 | 9  | 215 | 0   | 263 | 535 | 535 | 9,492         | 9,934         | 4.7%              |
| Spanish<br>(Non-<br>Certified) | 0  | 0      | 0     | 0     | 0   | 0      | 1  | 12 | 61  | 37 | 32  | 0   | 58  | 9   | 0   | 247           | 210           | -15.0%            |
| Tagalog                        | 1  | 0      | 5     | 0     | 1   | 0      | 0  | 2  | 0   | 0  | 0   | 0   | 0   | 0   | 5   | 11            | 14            | 27.3%             |
| Vietnamese                     | 0  | 0      | 16    | 4     | 62  | 7      | 0  | 0  | 0   | 0  | 3   | 0   | 6   | 0   | 11  | 168           | 109           | -35.1%            |
| All Others                     | 36 | 286    | 76    | 76    | 30  | 206    | 3  | 3  | 1   | 2  | 62  | 0   | 15  | 11  | 37  | 730           | 844           | 15.6%             |
| Total                          | 68 | 43,275 | 2,558 | 1,789 | 989 | 17,160 | 26 | 53 | 327 | 48 | 684 | 0   | 622 | 557 | 633 | 70,539        | 68,789        | -2.5%             |

# District Caseloads

## District of Alaska

| Caseload Measure     | 2016 | 2017 | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|------|------|-------------------|----------------------------------|
| District Court       |      |      |                   |                                  |
| Filings              | 558  | 535  | -4.1%             | 178                              |
| Terminations         | 484  | 487  | 0.6%              | 162                              |
| <sup>1</sup> Pending | 610  | 661  | 8.4%              | 220                              |
| Bankruptcy Court     |      |      |                   |                                  |
| Filings              | 434  | 460  | 6.0%              | 230                              |
| Terminations         | 541  | 507  | -6.3%             | 254                              |
| <sup>1</sup> Pending | 417  | 370  | -11.3%            | 185                              |

<sup>1</sup>2016 total pending cases revised.

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

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

## District of Arizona

| Caseload Measure     | 2016   | 2017   | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|--------|--------|-------------------|----------------------------------|
| District Court       |        |        |                   |                                  |
| Filings              | 10,497 | 10,247 | -2.4%             | 788                              |
| Terminations         | 8,983  | 9,086  | 1.1%              | 699                              |
| <sup>1</sup> Pending | 6,744  | 7,879  | 16.8%             | 606                              |
| Bankruptcy Court     |        |        |                   |                                  |
| Filings              | 15,895 | 15,682 | -1.3%             | 2,240                            |
| Terminations         | 19,849 | 16,709 | -15.8%            | 2,387                            |
| <sup>1</sup> Pending | 19,501 | 18,473 | -5.3%             | 2,639                            |

<sup>1</sup>2016 total pending cases revised.

<sup>2</sup>Includes one authorized temporary judgeship.

<sup>3</sup>Bullhead City applies only to the bankruptcy court.

|                       |    |
|-----------------------|----|
| Authorized Judgeships |    |
| <sup>2</sup> District | 13 |
| Bankruptcy            | 7  |
| Magistrate            |    |
| Full-time             | 14 |
| Part-time             | 1  |

Authorized places of holding court:  
<sup>3</sup>Bullhead City, Flagstaff, Phoenix,  
Prescott, Tucson, Yuma

## Central District of California

| Caseload Measure     | 2016   | 2017   | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|--------|--------|-------------------|----------------------------------|
| District Court       |        |        |                   |                                  |
| Filings              | 15,591 | 15,202 | -2.5%             | 543                              |
| Terminations         | 15,429 | 15,392 | -0.2%             | 550                              |
| <sup>1</sup> Pending | 11,986 | 11,780 | -1.7%             | 421                              |
| Bankruptcy Court     |        |        |                   |                                  |
| Filings              | 42,225 | 39,325 | -6.9%             | 1,710                            |
| Terminations         | 47,665 | 46,240 | -3.0%             | 2,010                            |
| <sup>1</sup> Pending | 37,523 | 30,607 | -18.4%            | 1,331                            |

<sup>1</sup>2016 total pending cases revised.

<sup>2</sup>Includes one authorized temporary judgeship.

<sup>3</sup>Includes two authorized temporary judgeships.

<sup>4</sup>San Fernando Valley and Santa Barbara apply only to the bankruptcy court.

|                         |    |
|-------------------------|----|
| Authorized Judgeships   |    |
| <sup>2</sup> District   | 28 |
| <sup>3</sup> Bankruptcy | 23 |
| Magistrate              |    |
| Full-time               | 24 |
| Part-time               | 1  |

Authorized places of holding court:  
Los Angeles, Riverside, Santa Ana,  
<sup>4</sup>San Fernando Valley. <sup>4</sup>Santa Barbara

## District Caseloads continued

### Eastern District of California

| Caseload Measure     | 2016   | 2017   | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|--------|--------|-------------------|----------------------------------|
| District Court       |        |        |                   |                                  |
| Filings              | 5,173  | 4,803  | -7.2%             | 801                              |
| Terminations         | 4,964  | 5,115  | 3.0%              | 853                              |
| <sup>1</sup> Pending | 7,582  | 7,275  | -4.0%             | 1,213                            |
| Bankruptcy Court     |        |        |                   |                                  |
| Filings              | 15,528 | 15,526 | 0.0%              | 2,218                            |
| Terminations         | 19,368 | 17,971 | -7.2%             | 2,567                            |
| <sup>1</sup> Pending | 16,037 | 13,593 | -15.2%            | 1,942                            |

|                         |    |
|-------------------------|----|
| Authorized Judgeships   |    |
| District                | 6  |
| <sup>2</sup> Bankruptcy | 7  |
| Magistrate              |    |
| Full-time               | 12 |
| Part-time               | 0  |

Authorized places of holding court:  
Bakersfield, Fresno, <sup>3</sup>Modesto, Redding,  
Sacramento, <sup>3</sup>Yosemite

<sup>1</sup>2016 total pending cases revised.

<sup>2</sup>Includes one temporary judgeship.

<sup>3</sup>Modesto applies only to the bankruptcy court and Yosemite applies only to the district court.

### Northern District of California

| Caseload Measure     | 2016   | 2017   | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|--------|--------|-------------------|----------------------------------|
| District Court       |        |        |                   |                                  |
| Filings              | 7,689  | 7,898  | 2.7%              | 564                              |
| Terminations         | 6,164  | 6,755  | 9.6%              | 483                              |
| <sup>1</sup> Pending | 7,659  | 8,808  | 15.0%             | 629                              |
| Bankruptcy Court     |        |        |                   |                                  |
| Filings              | 10,607 | 9,394  | -11.4%            | 1,044                            |
| Terminations         | 14,769 | 13,136 | -11.1%            | 1,460                            |
| <sup>1</sup> Pending | 20,869 | 17,127 | -17.9%            | 1,903                            |

|                       |    |
|-----------------------|----|
| Authorized Judgeships |    |
| <sup>2</sup> District | 14 |
| Bankruptcy            | 9  |
| Magistrate            |    |
| Full-time             | 12 |
| Part-time             | 0  |

Authorized places of holding court:  
<sup>2</sup>Eureka, Oakland, San Francisco, San Jose,  
<sup>2</sup>Santa Rosa

<sup>1</sup>2016 total pending cases revised.

<sup>2</sup>Eureka applies only to the district court. Santa Rosa applies only to the bankruptcy court.

### Southern District of California

| Caseload Measure     | 2016  | 2017  | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|-------|-------|-------------------|----------------------------------|
| District Court       |       |       |                   |                                  |
| Filings              | 6,452 | 6,732 | 4.3%              | 518                              |
| Terminations         | 6,952 | 6,207 | -10.7%            | 477                              |
| <sup>1</sup> Pending | 4,819 | 5,321 | 10.4%             | 409                              |
| Bankruptcy Court     |       |       |                   |                                  |
| Filings              | 8,263 | 8,201 | -0.8%             | 2,050                            |
| Terminations         | 9,227 | 9,468 | 2.6%              | 2,367                            |
| <sup>1</sup> Pending | 8,196 | 6,927 | -15.5%            | 1,732                            |

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

Authorized places of holding court:  
<sup>2</sup>El Centro, San Diego

<sup>1</sup>2016 total pending cases revised.

<sup>2</sup>El Centro applies only to the district court.

## District of Guam

| Caseload Measure     | 2016 | 2017 | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|------|------|-------------------|----------------------------------|
| District Court       |      |      |                   |                                  |
| Filings              | 122  | 181  | 48.4%             | 181                              |
| Terminations         | 113  | 133  | 17.7%             | 133                              |
| <sup>1</sup> Pending | 164  | 233  | 42.1%             | 233                              |
| Bankruptcy Court     |      |      |                   |                                  |
| Filings              | 152  | 143  | -5.9%             | 385                              |
| Terminations         | 141  | 171  | 21.3%             | 271                              |
| <sup>1</sup> Pending | 189  | 161  | -14.8%            | 327                              |

<sup>1</sup>2016 total pending cases revised.

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

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

Authorized place of holding court:  
Hagatna

## District of Hawaii

| Caseload Measure     | 2016  | 2017  | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|-------|-------|-------------------|----------------------------------|
| District Court       |       |       |                   |                                  |
| Filings              | 881   | 827   | -6.1%             | 207                              |
| Terminations         | 776   | 828   | 6.7%              | 207                              |
| <sup>1</sup> Pending | 964   | 968   | 0.4%              | 242                              |
| Bankruptcy Court     |       |       |                   |                                  |
| Filings              | 1,463 | 1,388 | -5.1%             | 1,388                            |
| Terminations         | 1,710 | 1,516 | -11.3%            | 1,516                            |
| <sup>1</sup> Pending | 2,178 | 2,050 | -5.9%             | 2,050                            |

<sup>1</sup>2016 total pending cases revised.

<sup>2</sup>Includes one temporary judgeship.

|                       |   |
|-----------------------|---|
| Authorized Judgeships |   |
| <sup>2</sup> District | 4 |
| Bankruptcy            | 1 |
| Magistrate            |   |
| Full-time             | 3 |
| Part-time             | 1 |

Authorized place of holding court:  
Honolulu

## District of Idaho

| Caseload Measure     | 2016  | 2017  | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|-------|-------|-------------------|----------------------------------|
| District Court       |       |       |                   |                                  |
| Filings              | 858   | 857   | -0.1%             | 429                              |
| Terminations         | 800   | 854   | 6.8%              | 427                              |
| <sup>1</sup> Pending | 1,070 | 1,072 | 0.2%              | 536                              |
| Bankruptcy Court     |       |       |                   |                                  |
| Filings              | 3,841 | 3,771 | -1.8%             | 1,886                            |
| Terminations         | 4,121 | 3,886 | -5.7%             | 1,943                            |
| <sup>1</sup> Pending | 3,086 | 2,971 | -3.7%             | 1,486                            |

<sup>1</sup>2016 total pending cases revised.

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

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

## District Caseloads continued

### District of Montana

| Caseload Measure     | 2016  | 2017  | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|-------|-------|-------------------|----------------------------------|
| District Court       |       |       |                   |                                  |
| Filings              | 996   | 963   | -3.3%             | 321                              |
| Terminations         | 898   | 881   | -1.9%             | 294                              |
| <sup>1</sup> Pending | 932   | 1,006 | 7.9%              | 335                              |
| Bankruptcy Court     |       |       |                   |                                  |
| Filings              | 1,365 | 1,314 | -3.7%             | 1,314                            |
| Terminations         | 1,488 | 1,379 | -7.3%             | 1,379                            |
| <sup>1</sup> Pending | 1,696 | 1,631 | -3.8%             | 1,631                            |

<sup>1</sup>2016 total pending cases revised.

<sup>2</sup>Helena applies only to the district court.

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

Authorized places of holding court:  
Billings, Butte, Great Falls, <sup>2</sup>Helena, Missoula

### District of Nevada

| Caseload Measure     | 2016   | 2017  | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|--------|-------|-------------------|----------------------------------|
| District Court       |        |       |                   |                                  |
| Filings              | 3,994  | 4,441 | 11.2%             | 634                              |
| Terminations         | 3,159  | 3,732 | 18.1%             | 533                              |
| <sup>1</sup> Pending | 5,043  | 5,762 | 14.3%             | 823                              |
| Bankruptcy Court     |        |       |                   |                                  |
| Filings              | 9,063  | 8,760 | -3.3%             | 2,190                            |
| Terminations         | 12,039 | 9,867 | -18.0%            | 2,467                            |
| <sup>1</sup> Pending | 9,070  | 7,961 | -12.2%            | 1,990                            |

<sup>1</sup>2016 total pending cases revised.

<sup>2</sup>Includes one authorized temporary judgeship.

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

Authorized places of holding court:  
Las Vegas, Reno

### District of Northern Mariana Islands

| Caseload Measure     | 2016 | 2017 | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|------|------|-------------------|----------------------------------|
| District Court       |      |      |                   |                                  |
| Filings              | 56   | 41   | -26.8%            | 41                               |
| Terminations         | 48   | 49   | 2.1%              | 49                               |
| <sup>1</sup> Pending | 87   | 78   | -10.3%            | 78                               |
| Bankruptcy Court     |      |      |                   |                                  |
| Filings              | 7    | 3    | –                 | 0                                |
| Terminations         | 7    | 6    | –                 | 1                                |
| <sup>1</sup> Pending | 11   | 8    | -27.3%            | 1                                |

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

Authorized place of holding court:  
Saipan

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

<sup>1</sup>2016 total pending cases revised.

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

<sup>3</sup>Heather Kennedy serves as part-time magistrate judge and clerk of court.

## District of Oregon

| Caseload Measure     | 2016   | 2017   | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|--------|--------|-------------------|----------------------------------|
| District Court       |        |        |                   |                                  |
| Filings              | 2,968  | 2,453  | -17.4%            | 409                              |
| Terminations         | 2,781  | 2,619  | -5.8%             | 437                              |
| <sup>1</sup> Pending | 2,925  | 2,778  | -5.0%             | 463                              |
| Bankruptcy Court     |        |        |                   |                                  |
| Filings              | 9,488  | 9,078  | -4.3%             | 1,816                            |
| Terminations         | 11,447 | 10,054 | -12.2%            | 2,011                            |
| <sup>1</sup> Pending | 10,645 | 9,669  | -9.2%             | 1,934                            |

<sup>1</sup>2016 total pending cases revised.

<sup>2</sup>Medford applies only to the district court.

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

Authorized places of holding court:  
Eugene, <sup>2</sup>Medford, Pendleton, Portland

## Eastern District of Washington

| Caseload Measure     | 2016  | 2017  | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|-------|-------|-------------------|----------------------------------|
| District Court       |       |       |                   |                                  |
| Filings              | 1,249 | 1,244 | -0.4%             | 311                              |
| Terminations         | 1,200 | 1,209 | 0.8%              | 302                              |
| <sup>1</sup> Pending | 1,044 | 1,075 | 3.0%              | 269                              |
| Bankruptcy Court     |       |       |                   |                                  |
| Filings              | 4,120 | 3,928 | -4.7%             | 1,964                            |
| Terminations         | 4,598 | 4,270 | -7.1%             | 2,135                            |
| <sup>1</sup> Pending | 4,366 | 4,024 | -7.8%             | 2,012                            |

<sup>1</sup>2016 total pending cases revised.

<sup>2</sup>Richland applies only to the district court.

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

Authorized places of holding court:  
<sup>2</sup>Richland, Spokane, Yakima

## Western District of Washington

| Caseload Measure     | 2016   | 2017   | Change<br>2016-17 | Per Judgeship<br>Unweighted 2017 |
|----------------------|--------|--------|-------------------|----------------------------------|
| District Court       |        |        |                   |                                  |
| Filings              | 3,943  | 3,768  | -4.4%             | 538                              |
| Terminations         | 3,854  | 3,826  | -0.7%             | 547                              |
| <sup>1</sup> Pending | 3,316  | 3,278  | -1.1%             | 468                              |
| Bankruptcy Court     |        |        |                   |                                  |
| Filings              | 12,739 | 11,129 | -12.6%            | 2,226                            |
| Terminations         | 15,065 | 12,715 | -15.6%            | 2,543                            |
| <sup>1</sup> Pending | 14,542 | 12,958 | -10.9%            | 2,592                            |

<sup>1</sup>2016 total pending cases revised.

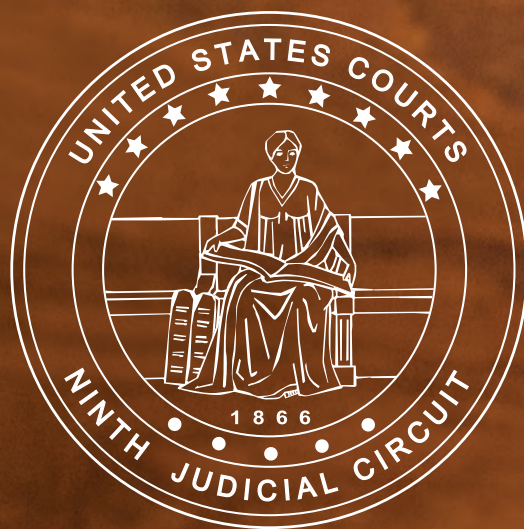
<sup>2</sup>Bellingham applies only to the district court. Marysville, Port Orchard and Vancouver apply only to the bankruptcy court.

|                       |   |
|-----------------------|---|
| Authorized Judgeships |   |
| District              | 7 |
| Bankruptcy            | 5 |
| Magistrate            |   |
| Full-time             | 6 |
| Part-time             | 1 |

Authorized places of holding court:  
<sup>2</sup>Bellingham, <sup>2</sup>Marysville, <sup>2</sup>Port Orchard,  
Seattle, Tacoma, <sup>2</sup>Vancouver







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